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ACTS

OF THE

GENERAL ASSEMBLY OF VIRGINIA,

PASSED IN 1852,

IN THE

SEVENTY-SIXTH YEAR OF THE COMMONWEALTH.

RICHMOND:
WILLIAM F. RITCHIE, PUBLIC PRINTER.
1852.



GENERAL ACTS.

PART I.

CHAP. 1.—An ACT concerning commissioners of the revenue.

[Passed April 24, 1852.]

1. Be it enacted by the general assembly. That all property within this What property to state, and the moneys and credits of persons residing therein, except he listed for taxsuch as is hereinafter expressly exempted, shall be subject to taxation; and such property, moneys and credits, or the value thereof, shall be entered on the lists of taxable property for that purpose, in the manner

prescribed by this act.

2. All property described in this section, to the extent berein limited, Property exempt shall be exempt from taxation, that is to say: All property belonging to from taxation. shall be exempt from taxation, that is to say: All property belonging to any county, city or town, used for public purposes; all churches or County, corporabouses and grounds used for divine worship; all public burying grounds; tion and church all grounds, buildings, books, apparatus and furniture belonging to Property of colcolleges, free schools and incorporated academies, and by them used for leges, academies college and school purposes; the grounds, buildings, books, apparatus of university; and furniture of the University of Virginia, of the Virginia military in-military property owned by orphan asylums; all property, whether real or per- asylums. sonal, belonging exclusively to this commonwealth; all fire engines or State property. other implements used for the extinguishment of fires, with the lots and Property of fire buildings used exclusively for the safe keeping thereof and for the companies. meetings of fire companies, whether belonging to any town or city, or to any fire company organized therein. Each licensed keeper of an Furniture of orordinary or house of private entertainment shall be entitled to hold dinaries and houses of enterexempt from taxation, all his household and kitchen furniture, used in tainment. his ordinary or house of entertainment; all books, pictures and statuary, Books, pictures, and the wearing apparel of every person and family, except watches; statuary and ap-all agricultural productions and provisions, and wool of the last year's Agricultural and all agricultural productions and provisions, and wow of the producer or miner; mineral production; and all mineral productions in the hands of the producer or miner; mineral productions and provisions all felled wood and timber; all plantations of oysters, and all fisheries; tions and provi-sions.

If the wood and timber; all plantations of oysters, and all fisheries; tions and proviand jeunets, neat cattle, hogs and sheep; all property, the subject of fisheries Fowls and animy trade or business for the prosecution of which a license is required. mais.

The head of each family shall be entitled to hold, exempt from taxation, Property subject acat cattle, hogs and sheep of the aggregate value of one hundred What amount of tollars; or in lieu thereof, an equal amount of any personal property cattle, hogs and not otherwise exempted from taxation; all farming implements actually sheep or personal property.

Beed for farming purposes, which shall not be held to include road wagons Farming impleor wagons used principally for other than farming purposes; all me-m-nts chanics tools chanics tools used on any farm or by any person actually engaged in any and products of trade, occupation or profession; and the products of any mechanic's labor. labor kept by him for sale.

3. Each person of full age and sound mind, not a married woman, shall Who to list prohat the personal property subject to taxation of which such person is the lerty. owner, situate in the county, city or town in which such person resides. post, c. 2, 5 2.

4. The property of a ward shall be listed by the guardiau; of a Property of minor, having no other guardiau, by the father, if living; if not, by the wards, minors mother, if living; if neither father nor mother be living, by the person whom to be laving the property in charge; of a wife, by the husband, if of sound listed.

Cestul quetrusts, mind; if not, by herself; of a person for whose benefit property is held Deceased per-

in trust, by the trustee; of an estate of a deceased person, by the per-Sonsorations and sonal representative; of corporations, whose assets are in the hands of agents, receivers or factors, by such agent, receiver or factor; of every company, firm, hody politic or corporate, by the principal accounting Where property officer, partner or agent thereof. Personal property not situated in the county, city or town in which the owner resides, or the person required to list the same for taxation, shall be listed in the county, city or town where the same is situated, by the agent of the owner or other person required to list it by the preceding provisions of this act, unless the owner or such other person shall list it, or cause it to be otherwise listed,

Within what time list to be furnished, and form. Amended. See post, c. 2, § 4.

in the county, city or town where such property may be. 5. Each person required by this act to list property shall, within ten days after being required to do so by the commissioner, and after being how and in what furnished by him with the proper forms, make out and deliver to him, or deposit in the clerk's office of the county, a statement or statements of all personal property, moneys and credits which, by the provisions of this act, such person is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, personal repre-

When commissioner to list property and assess its value.

List to be sworn sentative. receiver, accounting officer, partner, agent or factor: such to and before statement to be verified by oath or affirmation before a justice of the peace, or before the commissioner of the revenue or clerk, who is hereby authorized to administer such oath or receive such affirmation. If any person whose duty it shall be to list any article of taxable property, shall fail or refuse so to do and to furnish a valuation thereof according to the provisions of this act, it shall be the duty of the commissioner to list the same and assess the value thereof on the best information he can obtain.

How appraisements of commissioners or owners are corrected. Amended. See post, c. 2, § 5.

6. When the value of property is directed to be ascertained, the person furnishing the list shall annex a fair and proper valuation, but the commissioner may, nevertheless, adopt what he deems a fair and proper valuation; and if the person furnishing the list shall feel aggrieved, he or she may call on a discreet freeholder, and the commissioner another, who shall be sworn impartially to appraise the property at its fair market value. If they disagree, they may elect an umpire, and their appraisement shall be entered as the true valuation. Any person required by this act to furnish a list of taxable property, with a valuation annexed, shall be released from the obligation to assess the value of the whole or any part of such property, by exhibiting the same to the commissioner, who shall, thereupon, himself assess the value, subject to like proceedings as in other cases. No person shall be required to list or insert in his statement any property. or the value of any property, which, by the provisions of this act, is specifically exempt from taxation.

Property exempt. not to be

What property to be assessed and the form of commissioners property books.

White males.

Blaves.

Cattle, sheep and hogs.

Furniture.

Carriages.

Watches and

clocks.

Plate. Other articles

7. From the lists thus furnished, the commissioner of the revenue for each district shall make accurate statements, in the form to be prescribed and furnished by the auditor of public accounts, which shall truly and distinctly set forth: The number of white male inhabitants who have attained the age of twenty one years, specifying those heretofore exempt on account of bodily infirmity; the number of slaves who have Horses, asses, &c. attained the age of twelve years; the number of horses, mules, asses and jenuers, and the value thereof; the number of neat cattle, sheep and hogs owned by each tax payer, and the aggregate value thereof over and above the sum of one hundred dollars; the aggregate value of all household and kitchen furniture in the hands of each individual; every pleasure carriage, stage coach, jersey wagon, carryall, gig or buggy, and the value thereof, not including any one of those articles kept in a shop or manufactory for sale; every gold, silver or metallic watch or clock, an I every other clock, and the value thereof, not including any watch or clock kept in a shop or manufactory for sale; Pianos and harps, every piano forte and harp, and the value thereof, not including any piano forte and harp kept in a shop or manufactory for sale, or for the use of schools; all gold and silver plate, other than plate kept in a shop or manufactory for sale. All other articles of personal property not

described in this enumeration of the subjects of taxation, nor in the list

of exempted articles specified in this act, shall be set forth in a separate and distinct column, together with the value thereof. The com-Free males and missioner shall also ascertain the number of free male persons above slaves subject to sixteen years of age. and the number of slaves above that age, who are subject to county levies. He shall also ascertain the number of male Free negroes. free negroes between the ages of twenty-one and fifty-five years. He Interest or profit. shall ascertain from each person residing in his district the amount of interest or profit which may have been received by such person, or been converted into principal. (so as to become an interest-bearing subject.) or otherwise appropriated, within the year next preceding the first of February, arising from bonds or certificates of debt of this or any other state or country, or of any public corporation created by this or any other state, except such interest or profit as is exempt by law. He Bonds and secushall ascertain from each person residing in his district the aggregate rities.

Amended. See amount of solvent bonds or other securities due to such person, after post, c. 2, 5 6 and deducting therefrom the amount which may be due to others from such 12. person. He shall ascertain from each person residing in his district the Incomes. amount of his income in money during the same year (over and above one hundred dollars) in consideration of the discharge of any office or employment in the service of the state. (other than that of an officer of government receiving a salary out of the treasury,) or in consideration of the discharge of any office or employment in the service of any corporation created by this state, (other than fire associations,) or in the ervice of any company, firm, or person, except where the service is Ministers of the that of a minister of the Gospel, or is one of labor in some mechanic Gospel exempt. art, trade, handicraft or manufacture.

8. He shall ascertain the practising attorneys at law, (designating Listing attorneys, such as practise in the court of appeals,) physicians, surgeons and den-physicians, sur tels residing in his district. He shall ascertain all toll-bridges and fer-tiets. nes in his district the yearly rent or value whereof exceeds one hundred Toll-bridges and dollars. If the same be rented or leased out, the commissioner shall be terries. governed by actual rent; otherwise, he shall make a just estimate of This section shall not apply to any bridge or ferry held by a company whose works and profits are by its charter exempt from taxation, or by a company the dividends on whose profits are subject to tax under chapter thirty-nine of the Code of Virginia. He shall ascertain Incorporated all the incorporated joint stock companies located or transacting busi-joint stock comnot incorporated joint stock companies located or transacting busi-punies declaring less within his district, which are authorized by their charters to declare dividends.

dividends of profits amongst the stockholders, (except companies ex-Amended. empt by their charters from public tax,) and shall return to the auditor Return to auditor of public accounts a list thereof, setting forth in such list the names of thereof.

by each during the year next preceding the first of February, together with the par and market value of the stock per share. He shall ascer-Manufacturing tain all the capital (other than that of such incorporated companies) Amended invested or used in any manufacturing business above the assessed value post, c. 2, § 8. of the real estate and machinery; but the personal property, credits and moneys used, acquired or held in such business shall not be otherwise

the principal officers or agents of each company, the dividends declared

assessed or returned than as such capital.

9. The commissioner of each district shall enter forthwith on the dis- When commischarge of his official duties; and the duties, liabilities, responsibilities, sioner to comfees and compensation, together with the mode of proceeding and rules ties, liabilities, to be observed in taking the lists of taxable property and in making the compensation. land book and property book, shall be the same as prescribed by the and property thirty-fifth chapter of the Code of Virginia, except in so far as the same books.

may be altered by the provisions of this act. 10. The commissioners of each district shall, on or before the fifteenth When summary of May next, return to the auditor of public accounts a summary of his of liste to he relists, duly authenticated, according to forms, including paper to be fur-Amended. See mished to him by said officer; and to enable him the more certainly to post, c. 2, § 11. accomplish this object, he is hereby authorized and empowered to em- commissioners ploy the services of a competent assistant or assistants, whose duties, to employ assistabilities and responsibilities shall be the same with those of his or their Annaded. See principal, but who shall be amenable to such principal, and removable post, c. 3, § 1.

for them. Assistant's comensation. bid. § 3. Duties, liabilities and compen-ation of register

To be responsible by him at pleasure; and the commissioner shall be held responsible in all respects for the acts of the assistant in like manner as if those acts were done by himself. The compensation of an assistant shall in ne case exceed one dollar per day.

11. The duties, liabilities and responsibilities, fees and compensation of the register and clerks, in affording assistance or furnishing papers, non tregient of the land office records or documents to the commissioners and examining the books, shall be the same as prescribed by the thirty-fifth chapter of the Code of Virginia.

and his clerks. Commencement

12. This act shall be in force from and after the passage thereof.

CHAP. 2.—An ACT to add to and amend the provisions of the act passed April 24th, 1852, entitled "an act concerning commissioners of the revenue."

1. Be it enacted by the general assembly. That in addition to the duties omitted improve prescribed in the act concerning commissioners of the revenue, passed ments on loss of buildings creeted April twenty-fourth, eighteen hundred and fifty-two, the commissioners of the revenue shall assess and add to the fee simple value of improved lots in cities and towns the value of any buildings omitted by the assessors, and any buildings erected on such lots since the last assessment; and shall, in other respects, correct the land books in conformity with the provisions of sections thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven of chapter thirty-five of the Code of Virginia.

2. That the third section of said act concerning commissioners of the revenue be re-enacted and amended, so as with the amendments to read as follows: Each person of full age and sound mind, not a married woman, shall list the personal property in his possession or care, subject to taxation, situate in the county, city or town in which such person resides, and the subjects on account of which he is chargeable with taxes

and county levies.

3. That sections thirty-eight, thirty-nine and forty of chapter thirty-

five of the Code of Virginia are hereby repealed.

4. That the fifth section of said act concerning commissioners of the revenue be re-enacted and amended, so as to read as follows: The commissioner shall, as soon after the passage of this act as practicable, call upon every such person in his district, having any such property, moneys or credits in his possession or care, for a list thereof, and upon every person therein, chargeable with taxes and county levies, for a list Code, p. 187, 188 of the subjects on account of which he is so chargeable, and shall proceed to procure the same in the manner prescribed in sections fifty-nine and sixty of chapter thirty-five of the Code of Virginia. The commissioner shall also ascertain and assess the value of all property other than slaves, not exempted by this act, held or owned or required by this act to be listed by such person. But if any such person shall desire it. the commissioner shall furnish him with proper forms of such lists and vapayers.
Time allowed tax luations; and such person shall, within ten days thereafter, make out and deliver to the commissioner, or deposit with the clerk of the county court, statements of all property, moneys and credits which such person is required by this act to list, and of all subjects on account of Lists to be sworn which he is chargeable with taxes or county levies. He shall annex, in the form prescribed by the commissioner, valuations of the property listed, except slaves, and shall take and subscribe an oath, to be appended to such statements, to the following effect, viz: "I do solemnly swear (or affirm) that, to the best of my knowledge and belief, the annexed statements contain accurate lists of all property, moneys and credits which I am required to list, and of all subjects on account of which I am chargeable with taxes or county levies, and that in my opinion the valuations of the property listed are not below the fair cash value thereof. So help me God." Who to adminis Which oath may be administered by a justice, or by the commissioner And if any person be absent from his residence at the time the commissioner calls, (and there be no person on the premises autho-

rized to act for such person.) the commissioner shall leave for such per-

son at his residence, with some white member of his family over the

Assessment of ments on lots or since last assessment.

Rules for correcting land Code, p. 183. Persons chargeable with taxes and levice, to list the same. See ante, c. 1.

Sections of Code repealed

How commissioner to procure lists of taxable property and levics.

Value of property to be assessed.

Forms to be fornished tax payers to make out and return their lists.

Form of oath.

ter oath. Provision when persons are absent when commissioner calls.

age of sixteen years, or, if there be no such white person on the premises, shall otherwise cause to be delivered to such person proper forms to enable him to make out the statements aforesaid, with the form of the oath aforesaid appended thereto; and it shall be the duty of such Time allowed person, within ten days thereafter, to make out and deliver to the com-such person to missioner, or to deposit with the clerk as aforesaid, such lists, with the valuations of property annexed, verified by affidavit, as are hereinbefore required; but this act shall not be construed to require any such person List of furniture to furnish, or the commissioner to take, a list of such person's household not required; and kitchen furniture, other than the articles specified by this act, but value, early the aggregate value thereof. Any person required by this act to Tax payer refurnish a list of taxable property, with a valuation annexed, may be released from the obligation to assess the value of the whole or any part by exhibiting it. of such property, by exhibiting the same to the commissioner, who shall thereupon himself assess the value thereof. And in case such person is absent when the commissioner calls at his residence, he may decline inetuding a valuation of his property in the statements required to be de-livered or deposited as aforesaid; and in such case the commissioner shall ascertain the value of such property.

5. That the sixth section of said act concerning commissioners of the Controversies 5. That the sixth section of said act concerning commissioners of the relative to value revenue be re-enacted and amended, so as to read as follows: If the relative to value of property, how commissioner is not satisfied with the valuation of property made by settled.

any such person, he may adopt what he deems a fair and proper valuation thereof; and if in any case a person shall consider himself aggrieved by the valuation of the commissioner, such person and the commissioner respectively shall choose two discreet voters, to whom shall be referred the matter of controversy; and their decision, or that of an umpire chosen by them, shall be final. If any person shall fail to list taxable pro-Persons failing to perty as required by this act, and to furnish a valuation thereof, the commissioner shall proceed to list the same and to assess the value thereof do it. non the best information he can obtain. If any person, after being fur-Penalty for fall mished with the proper forms as aforesaid, shall fail, within the time men-ing to jurnish tioned by the fifth section of this act. to deliver or deposit the lists and lists in time. valuations in the manner prescribed in said fifth section, he shall forfeit ten dollars. If any person shall refuse to exhibit to the commissioner Penalty for reany property listed or required by this act to be listed by him in order fusing to exhibit that a fair valuation thereof may be assessed, he shall pay a fine of not valuation. less than twenty nor more than one hundred dollars. No person shall Property exempt, be required to list or insert in his statement any property, or the value not to be listed. of any property, which by the provisions of this act is exempted from mxation.

6. That if the commissioner shall, in conformity with the seventh Bonds constisection of said act, ascertain that any person engaged in any trade or tuling part of basiness, in respect to which a license is issued, has a surplus of solvent ness under a bonds or other securities, after deducting therefrom the amount which license not to be may be due to others from such person, the said commissioner shall not listed. het for taxation so much of such surplus as such person shall, on oath, aver constitutes a part of the actual capital invested and used by him in carrying on such trade or business.

7. That in addition to ascertaining, in the manner prescribed in the Additions to light eighth section of said act, all the incorporated joint stock companies of property of joint stock comtransacting business within his district, the dividends declared by each, panies. and the par and market value of the stock per share, the commissioner shall state in a separate column the asses ed value of the real estate owned by any incorporated joint stock company, not exempt by its charter from public tax, in his district, including therein the value of any buildings erected thereon since the last assessment; and the commissioner of the district within which the principal office or place of business of any such incorporated joint stock company may be, shall ascertain from the proper officer of such company, and state in separate cofumns, the number of slaves, owned or hired by such company, above the age of twelve years, the amount of all moneys, and the aggregate value of all personal property belonging to such company, whether at

the time within his said district or not, and also the actual amount of the capital stock of such company.

Lists of property of savings instientions and insurance compa-

8. The commissioner shall ascertain the capital of all savings institutions and insurance companies (over and above the assessed value of their real estate and the value of their slaves,) within his district, stating in separate columns the actual amount of the stock of any such companies the capital stock of which is divided into shares, the par and market value thereof, and the dividends, if any, declared during the year next preceding the first day of l'ebruary, the assessed value of their real estate, and the number of their slaves who have attained the List of capital of age of twelve years. In addition to ascertaining the capital invested persons or firms or used in any manufacturing business as prescribed in the eighth sectrade or business, tion of the said act, the commissioner shall ascertain and state in a se-

employed in

parate column the capital belonging to or used by every person or firm in his district, of whom no license is required, invested or employed in any trade or business except agriculture, above the assessed value of the real estate of such person or firm; but the personal property, credits and moneys used, acquired or held in such trade or business, shall not be otherwise assessed or returned than as such capital.

Listing money and evidences of debt in hands of receivers or commissioners of courts.

9. He shall ascertain from each person in his district who acts under the order of any court as receiver or commissioner of such court, the amount of all moneys and bonds or other evidences of debts under his control, and the style of the suit to which such fund belongs; and he shall ascertain from the clerk of each court the amount deposited by order of such court in any bank or savings institution to the credit of any suit in such court, and the style of such suit; and the court wherein tax thereon to be any such suit is pending shall, by its order, cause the tax which may be imposed on such fund to be paid.

Court to order paid.

10. He shall ascertain from every person residing in his district the amount of all fees, over and above one hundred dollars, derived by him

Listing fees.

from any office, calling or profession, for which no license is issued. 11. That the tenth section of said act concerning commissioners of the revenue be re-enacted and amended, so as with the amendments to read as follows: The commissioner of each district shall, on or before the fifteenth day of September next, return to the auditor of public

accounts a summary of his lists duly authenticated according to forms,

including paper to be furnished to him by said auditor.

of lists to be returned to auditor.

When summary

12. That to prevent any uncertainty in construing so much of the seventh section of said act as is in the following words, to wit: "He shall ascertain from each person residing in his district the aggregate amount of solvent bonds or other securities due to such person, after deducting therefrom the amount which may be due to others from such person:" It is further enacted and declared, That the words "bonds or other securities" in said act shall be construed to include all liquidated and certain demands, however evidenced, but not the bonds or certificates of debt, the interest or profit on which is required in the preceding part of said seventh section to be listed; and that the words, "after deducting therefrom the amount which may be due to others from such person," shall be construed to entitle any person to deduct from the aggregate amount of the solvent bonds or other securities due to him, the amount of all liquidated and certain claims, however evidenced, due to others from such person as principal debtor, and not as endorser, guarantor or surety; but in neither case shall unsettled book accounts be included.

List of bonds and securities. See ante, c. 1, 5 7, and this chapter, § 6.

When copies of books to be delivered to clerks of courts. Code, p. 190. When to be dr-

13. The duty prescribed by the seventy-second section of chapter thirty-five of the Code of Virginia shall be performed on or before the fifteenth day of September next; that prescribed in the eighty-first section of said chapter shall be performed on or before the first day of Oc-When to be de. livered to sheriff, tober next; and that prescribed in the eighty-second section of said nverea to sherin. chapter shall be performed on or before the first day of November next; When to auditor, and the commissioner failing to perform any of these duties shall for Penalty on community on commissioner failing such failure pay a fine of not less than one hundred dollars nor more so perform duty, than five hundred dollars. And moreover, unless he shall have a reasonable excuse, the first auditor shall suspend the payment of his compensation, and report the fact to the general assembly; but this section When his comshall apply only to the first assessment under the said act concerning pensation sus-commissioners of the revenue, and thereafter the eighty-fifth section of chapter thirty-five of said Code shall continue in full force.

14. This act shall be in force from its passage.

Commencement

CHAP. 3.—An ACT to authorize the employment of assistants to the commissioners of the revenue, and to require the first auditor to furnish certain printed forms to commissioners of the revenue.

[Passed June 7, 1852.]

1. Be it enacted by the general assembly, That any county or corpora- How assistant tion court, upon the application of the commissioner of the revenue for commissioners of revenue may any revenue district in such county or corporation, and upon evidence be appointed. satisfactory to such court that it is necessary to enable such commissioner to assess and make returns of the taxable persons and property of the commonwealth on the fifteenth of September next, in conformity to law, at any time before the day last named, may authorize such commissioner to employ the services of a competent assistant, whose duties, Their duties and liabilities and responsibilities shall be the same with those of his princi-liabilities. pal, but who shall be amenable to such principal and removable by him How removable. at pleasure; and the commissioner shall be responsible in all respects for Commissioner the acts of the assistant in like manner as if those acts were done by acts of assistants.

Limself. The compensation of such assistant shall be fixed by the court, Compensation of and shall in no case exceed one dollar and fifty cents per day, to be paid assistants. out of the public treasury.

2. That the first auditor prepare the forms for lists of taxable subjects Forms to be furrequired to be furnished by the commissioners of the revenue to persons and sent by mall. chargeable with taxes by the fourth section of the act, entitled "an act concerning commissioners of the revenue," and that he forward by mail to the commissioners of the revenue a sufficient number of such forms printed and ready for use: Provided, That no assistant to a commis-Compensation to sioner of the revenue appointed under the provisions of the first section assistants limited

of this act shall receive in the aggregate more than fifty dollars. 3. This act shall be in force from its passage.

Commencement

CHAP. 4.—An ACT providing for the appointment of two commissioners of the revenue in the county of Barbour.

[Passed April 16, 1852.]

1. Be it enacted by the general assembly, That the county of Barbour Revenue districts shall be divided into two districts as follows, to wit: Commencing at for Barbour the point where the Valley river crosses the Taylor county line; thence up said river to the mouth of the Middle fork river; thence up said last named river to the Upshur county line.

2. That there shall be appointed in the mode prescribed by law a Howmany con missioners to be elected. commissioner of the revenue for each of the aforesaid districts.

3. That each of the aforesaid commissioners shall be allowed a com- Their compense pensation for their services not exceeding seventy-five dollars.

4. This act shall be in force from its passage.

Commencement

CHAP. 5 .- An ACT providing for the election of two commissioners of the revenue for Braxton.

[Passed May 18, 1852.]

1. Be it enacted by the general assembly, That it shall be the duty of Revenue districts the county court of Braxton to lay off and divide said county into two for Braxton county. districts for the election of commissioners of the revenue for said county.

2. That the qualified voters of said county of Braxton shall hereafter Two commiselect two commissioners of the revenue, in lieu of one, as now provided sioners to be by law: Provided, That the compensation of the two commissioners Compensation. herein provided to be elected shall not together exceed the compensation now paid to the commissioner of the revenue for Braxton county.

3. This act shall be in force from its passage.

Commencement.

CHAP. 6 .- An ACT providing for the election of three commissioners of the revenue for the county of Franklin.

[Passed April 13, 1852]

Three commissioners of the re-Im county.

1. Be it enacted by the general assembly. That it shall be lawful to elect three commissioners of the revenue for the county of Franklin, in lieu of two, as now provided by law.

Revenue districts for Franklin, how laid off.

2. Be it further enacted. That the commissioners who are or may be authorized by law to district the county of Franklin for the election of justices of the peace, shall, at the time that they lay off said districts, also lay off and divide the said county into three districts for the election of the said commissioners of the revenue; and the voters of said county, at the time of electing said justices, and on the same day every second year thereafter, shall elect one commissioner of the revenue for each of said Compensation to commissioners' districts: Provided, That the compensation to said commissioners shall not exceed the sum of one hundred dollars each.

commissioners.

3. This act shall be in force from its passage. Commencement.

CHAP. 7.—An ACT providing for laying off two commissioners' districts in the county of Dinwiddie.

[Passed April 21, 1852]

enne districts for Dinwiddie county.

1. Be it enacted by the general assembly, That the commissioners appointed under the act providing for districting the counties, passed April the second, eighteen hundred and fifty two, to district the county of Dinwiddie for the election of justices of the peace, shall also lay off two districts in said county, to be designated as the first and second revenue districts of Dinwiddie county.

Commencement.

2. This act shall be in force from its passage.

CHAP. 8.—An ACT providing for the election of two commissioners of the revenue for each of the counties of Mason, Logan and Wayne.

[Passed May 3, 1852]

Two commissioners of reve-Logan and Wayne to be of counties.

1. Be it enacted by the general assembly. That it shall be lawful to elect, in the mode prescribed by law, two commissioners of the revenue for each of the counties of Mason, Logan and Wayne.

2. It shall be the duty of the commissioners appointed to district the elected. Revenue districts counties of Mason, Logan and Wayne, for the election of county officers, to lay off said counties into two districts, for each of which dis-Compensation of tricts there shall be elected one commissioner of the revenue: Provided, commissioners. That the compensation to be allowed to the two commissioners of

each of said counties shall not exceed that now allowed by law to the present commissioner of each of said counties.

Commencement.

3. This act shall be in force from its passage.

CHAP. 9.—An ACT providing for the appointment of an additional commissioner of the revenue for Rockingham county.

[Passed April 14, 1852.]

Three commis-Revenue districts.

1. Be it enacted by the general assembly, That it shall be lawful herestoners of reve after to appoint or elect three commissioners of the revenue for the nue to be elected for Rockingham, county of Rockingham; and that the first, second and third districts, as they may be laid off and described by the commissioners appointed to district said county for the election of justices, shall together constitute the first revenue district of said county; the fourth, fifth and sixth districts, laid off as aforesaid, shall constitute the second revenue district of said county; and the seventh, eighth and ninth districts, laid off as aforesaid, shall constitute the third revenue district of said county.

2. This act shall be in force from its passage. Commencement.

> CHAP. 10 .- An ACT providing for the election of three commissioners of the revenue for the county of Tazewell.

> > [Passed April 17, 1852.]

Three commis Revenue dis-

tricts.

1. Be it enacted by the general assembly. That it shall be lawful to elect stoners of revenue for Tazewell three commissioners of the revenue for the county of Tazewell.

2. Be it further enacted, That it shall be the duty of the commissioners appointed to district the county of Tazewell for the election of county officers, to lay off and assign said county into three districts, for each of which there shall be elected one commissioner: Provided, That Compensation of the compensation to be allowed said three commissioners shall not excoed that now allowed the two commissioners for said county.

3. This act shall be in force from its passage.

Commencement

CHAP. II.—An ACT reserving to the general assembly the right to impose and collect an additional tax upon licenses which may be granted under existing

[Passed April 29, 1852.]

1. Be it enacted by the general assembly, That all licenses which may Right reserved bereafter be granted under existing laws shall be subject to such additional tax on tional tax, and to such regulations for the collection thereof, as may be licenses. provided for by any law passed during the present session of the general See post, c. 12. esembly.

2. This act shall be in force from its passage.

Commencement.

CHAP. 12.—An ACT authorizing the issuing of licenses in certain cases. [Passed June 5, 1852.] P. J.

1. Be it enacted by the general assembly, That it shall be the duty of the Additional subcommissioners of the revenue, in assessing licenses, to assess and deliver jects to be assessed for to the following persons a certificate of license, and the amount of tax licenses. to be paid by them, (in addition to those now required by law to obtain license:) that is to say: All owners of cook shops or cating houses; all proprietors of private boarding houses; all manufacturers of porter or ale; all merchants or mercantile firms selling provisions or agricultural commodities the growth or production of this state or some of the United States; all tubacco auctioneers; all merchant tailors; all lumber merchants; all dealers in coal and wood; all merchants or mercantile firms selling for others, on commission or for profit, horses, mules, cattle, sheep and hoge, or either of them; all owners of feed stores; all persons selfing goods by sample; all ship brokers or forwarding merchants; all persons engaged as agents for the renting of houses; all persons engaged as agents for the biring of negroes; all persons obtaining subscriptions to books; all persons selling prints; all pedlars of pamphlets or periodical papers; all persons receiving rough frame work of any description from other states, and who put it together in this for the purpose of sale; all distilleries kept in operation as much as four months in the year; all attorneys at law, physicians, surgeons, deutists and daguerrean artists; all keepers of livery stables. Nothing in this act or any other act shall be who exempt construed as requiring a license to be issued to or a tax to be paid by from such any person to authorize him to sell wood or lumber, cut or sawed by himself, or to follow the business of a common crier, or to act as agent for renting houses, or hiring negroes, unless such agent be a public and general one; nor to require of any merchant licensed to sell ardent spirits. to pay an additional tax as a vender of porter, beer or ale; nor to impose any tax upon persons keeping horses for hire, but not on livery.

2. That upon every license heretofore issued, and upon which the tax Additional asrequired by existing laws has already been paid, the difference between seesment on existing licenses, the tax so paid, and the amount required to be paid on such license by how made and the act, entitled "an act imposing taxes for the support of government accounted for. for the fiscal year eighteen hundred and fifty-two and fifty-three," passed at the present session of the general assembly, shall be assessed by the commissioner of the revenue, and a certificate thereof be given to the person holding such license, and a list of such additional assessments shall be furnished to the collector of the revenue, and the amount thereof shall be collected and accounted for in the manner required by law; and a list of such additional assessments shall be returned to the auditor of public accounts in the manner prescribed by this act.

3. Be it further exacted, That the said commissioners of the revenue When assess shall annually assess all merchants, auctioneers, vendue masters, and all ment on merother persons required by law to obtain license, except keepers of ordi-licensed under maries and houses of private entertainment, and make a fair alphabetical former laws to be made.

When lists of licenses to be r turned to sheriffs.

How licenses may be granted, and what to constitute a license.

license

to distrain for taxes.

When and how sheriffs to account.

Their commissions and allowance for insolvencies. Sheriff not to receive tax on licenses without commissioner's certificate.

Commencement.

list thereof, as far as he may have progressed with the same, at intervals not exceeding fifteen days, and deliver such lists to the sheriff or other collector of the revenue, for his guide in collecting the taxes imposed by When to auditor. law on such licenses. He shall, at the periods now required by law.

make fair alphabetical lists of the said assessments, and deliver or transmit said lists to the auditor of public accounts, for his guide in settling therefor with the sheriff or other collector, in the mode now prescribed by law. All persons desirous of obtaining licenses shall first obtain from the commissioner of the revenue a certificate of the amount with which he, she or they may have been assessed; and upon the production of such certificate to the sheriff or other collector, the said sheriff or other collector shall receive the taxes imposed by law, and grant a receipt therefor upon said certificate; and the said certificate, with the sheriff's or other collector's receipt thereon for the taxes imposed by law, shall be Fees of commis deemed a sufficient license to the party holding the same: Provided stoners for however, That the commissioners shall be entitled to charge and collect from the party or parties assessed, the same fee heretofore allowed him Power of sheriffs for issuing a license. The sheriff or other collector shall be authorized and required to distrain immediately upon all persons that may have been assessed by the commissioners of the revenue according to the provisions of this act, for all taxes imposed by law upon such assessments, as furnished by the books or lists of the said commissioners of the revenue, and sell, upon ten days' notice, so much as may be necessary to pay the taxes upon such assessment. The sheriff or other collector of the revenue shall account for and pay into the public treasury, in the manner and at the time prescribed by law, all taxes imposed upon said assessment, having an allowance of the commissioners, allowed by law for collecting the same, and a further allowance for all insolvencies that may be duly certified and allowed by the respective county and corporation courts of this commonwealth. And it shall not be lawful for any sheriff or other collector to receive any license tax, unless he first shall have received the certificate of the commissioner of the revenue, shewing the amount with which the person applying may have been assessed.

4. This act shall be in force from its passage.

CHAP. 13 .- An ACT concerning the bonds of sheriffs and other collectors of taxes and the bonds of constables.

[Passed June 3, 1852.]

Fifth section of chapter 49 of Code amended. Code, p. 246. Sheriffs and sergennts to give Constables to give bond.

14th section of chapter 49 of Code amended.

1. Be it enacted by the general assembly, That the fifth section of chapter forty-nine of the Code of Virginia shall be and is hereby amended, so that the said section, as now re-enacted with such amendment, shall read as follows: From every person elected sheriff of any county or corporation, and from every sergeant of a corporation who is collector of the taxes issued therein, the court of such county or corporation shall take bond in such penalty as it may deem sufficient, not less than thirty thousand dollars nor more than ninety thousand dollars.

2. The fourteenth section of the said chapter shall be and is hereby re-enacted, so that the same, as now re-enacted with such amendment, shall read as follows: From every person elected constable of any county or corporation, the court of such county or corporation shall take bond in a penalty not less than two thousand nor more than ten thousand dollars.

Commencement.

3. This act shall be in force from its passage.

CHAP. 14.-An ACT authorizing assessments in certain cases on the office of sheriffs and sergeants.

[Passed June 7, 1852.]

Assessments on and sergeants, how imposed.

1. Be it enacted by the general assembly, That any county court, at the offices of sheriffs term thereof when the county levy is made, or as soon thereafter as may be, all of the acting justices being summoned for that purpose, may, in addition to the subjects on which a county levy is now authorized by law, levy an assessment on the office of sheriff of such county; and the council, or other body or bodies authorized to make ordinances for the

government of any city or town, may from time to time levy a like assessment on the office of sergeant of such city or town, and on the office of sheriff thereof.

2. The money so levied on such office shall be paid by the person Sum derived elected to said office, and applied towards the payment of any sums from assessment, lawfully chargeable on the county, city or town for the compensation of county and corjustices of the peace and jurors, or for any other purpose. But the pration purposes amount so levied on a sheriff of any county in which there is a corpo-Apportionment ration court, may be apportioned by the county court between such of assessment county and corporation as such county court may deem right.

3. The said levies shall be payable in equal sums semi-annually. if so Assessments to required by the court or other body ordering the same, but they shall not be paid semifor any one year exceed eleven hundred dollars on the office of sheriff Amountlevied on in any of the counties of Albemarle, Alexandria, Campbell, Berkeley, first class. Bedford, Fauquier, Halifax, Jefferson, Frederick, Loudoun, Mecklenburg, Pittsylvania, Augusta, Ohio, Rockingham and Shenandoah, nor Levy on second washington, Buckingham, Charlotte, Franklin, Goochland, Louisa, Accomack, Caroliue, Hanover, Henrico, Monongalia, Southampton, Botetourt, Marion, Hampshire and Rockhridge; nor the sum of four Levy on third bundred dollars in any of the counties of Clarke, Prince Edward, Har-class. dy, Page, Roanoke, Amelia, Amherst, Appomattox, Brunswick, Culpeper, Cumberland, Dinwiddie, Fluvanna, Lunenburg, Madison, Nelson, Orange, Powhatan, Rappahannock, Harrison, Monroe, Wood, Wythe, Essex, Fairfax, Gloucester, Norfolk, King & Queen, Prince George, King William, Northampton, Prince William, Stafford, Sussex, Westmoreland and Chesterfield; nor two thousand dollars on the office of On theriff of cheriff of the city of Richmond; nor five hundred dollars on the office Richmond, and

office of sheriff of any other county. 4. If the person elected as sheriff or sergeant of any county, city or Where officers town shall cease to exercise his said office before the expiration of any cease to exercise year for which he may be elected, the assessment shall be apportioned apportioned. ratably between him and the person who shall succeed to the said office,

may be deemed just.

5. The sheriffs and sergeants of the said counties, cities and towns, Assessments on and their sureties, shall be liable respectively on their official bonds for sheriffs and serthe due payment of the said assessments; and the same shall be recover-coverable. able by motion or action in the name of the commonwealth for the use of the said counties, cities and towns respectively, or in the name of any person to whom the same or any part thereof may be ordered to be paid.

6. This act shall be in force from its passage.

of sergeant of any corporation; nor two hundred and fifty dollars on the Levy on fourth office of sheriff of any other county.

Commencement.

CHAP. 15.—An ACT prescribing the powers and duties of the sheriff of the city of Richmond.

[Passed May 26, 1852.]

1. Be it enacted by the general assembly, That the sheriff elected for Duties of sheriff the city of Richmond shall, after his qualification, instead of the sergeant of Richmond city. of said city, attend the circuit court for the said city, and act as the officer thereof. He shall, instead of the sheriff of Henrico county, collect To collect taxes the taxes assessed in said city, and exercise the same powers, perform incity. the same duties, have the same fees and compensation therefor, and be subject to the same penalties touching all process issued by said court or by the clerk of such court, or otherwise lawfully directed to him, that the sheriff of a county exercises, performs and is entitled or subject to in his county.

2. Nothing in this act shall be construed to make the said sheriff sergeant of city keeper of any jail in said city; but the jail of the city of Richmond shall to be juilor. be the jail of the circuit court thereof as well as of the corporation court, and the sergeant of said city shall be the jailor of each of said courts.

3. This act shall be in force from its passage.

Commencement.

CHAP. 16.—An ACT providing for the collection of state revenues by the sergeant of the city of Petersburg.

[Passed May 31, 1852.]

therein.

Bond required.

Sergrant of Potersburg to collect state revenue. Petersburg be and he is hereby authorized and empowered to collect the state revenues of said city, and to perform all the duties and be subject to all the liabilities and responsibilities of collectors of the revenue of the state generally. The said sergeant shall, before entering on the discharge of his said duties, enter into a bond before the hustings court of said city, in a penalty of fifty thousand dollars, or such greater sum as said court may deem proper, for the faithful discharge of his duties.

Commencement.

2. This act shall be in force from its passage.

CHAP. 17 .- An ACT imposing taxes for the support of government for the fiscal year 1852-'53. [Passed June 5, 1852.]

Taxes for fiscal year 1852-53.

1. Be it enacted by the general assembly, That for a year there shall be levied and collected on the persons and subjects mentioned in the act of assembly passed on the twenty-fourth day of April eighteen hundred and fifty-two, and any act amendatory thereof, the taxes following, to

2. On all lands and lots, with the improvements thereon, not exempt from taxation, eighteen cents on every hundred dollars value thereof: and herein shall be included all lands and lots, with the improvements

On lands and

and credits.

perty, moneys

On alayee.

Free negroes. White males.

On interest.

Incomes and

thereon, not exempt from taxation, of incorporated joint stock com-On personal pro- panies, savings institutions and insurance companies; on all the personal property, moneys and credits required by the said act to be listed and not exempt from taxation, except slaves over twelve years of age, eighteen cents on every hundred dollars value thereof; and berein shall be included all the capital invested or used in any manufacturing business, or invested or employed in any trade or business (except agriculture) for which no license is required, and all the personal property and moneys of incorporated joint stock companies, except the moneys and personal property that constitute part of the capital of the banks; on every slave over twelve years of age, fifty-four cents; and herein shall be included all slaves over twelve years of age owned or hired by any company, institution or person whatever; on every male free negro between twenty-one and fifty-five years, one dollar; on every white male inhabitant who has attained the age of twenty-one years, thirty-six cents; on so much of the interest or profit which may have been received by any person, or converted into principal, so as to become an interest bearing subject, or otherwise appropriated within the year next preceding the first day of February eighteen hundred and fifty-two, arising from bonds and certificates of debt of this or any other state or country, or of any public corporation created by this or any other state, as exceeds six dollars, three per centum; on so much of the income or fees as exceeds one hundred dollars in money, received during the year ending on the first day of February eighteen hundred and fifty-two, in consideration of the discharge of any office or employment in the service of the state, (other than that of an officer receiving a salary out of the treasury,) or in consideration of the discharge of any office or employment in the service of any corporation created by the state, (other

> than fire associations,) or in the service of any company, firm or person, except where the service is one of labor in some mechanic art, trade, handicraft or manufacture, or that of a minister of the Gospel, one-fourth of one per centum on such excess, if the same be not more than two hundred and fifty dollars; one-half of one per centum on such excess, if the same be more than two hundred and fifty dollars, and not more than five hundred dollars; three-fourths of one per centum on such excess, if the same be more than five hundred dollars, and not more than one thou-

sand dollars; and one per centum on such excess, if the same be over Ontoll-bridges or one thousand dollars; on so much of the yearly rent or annual value of toll bridges and ferries, other than toll bridges and ferries exempt by

their charters from taxation and held by joint stock companies authorized by their charters to declare dividends of their profits, as exceeds ene hundred dollars, three per centum.

3. On so much of the salary of each officer of the government re- On salaries. ceiving the same out of the treasury as exceeds one hundred dollars, other than the governor and judges, one-fourth of one per cent. on such excess. if the same be not more than two hundred and fifty dollars; onehalf of one per cent. on such excess, if the same be more than two hundred and fifty dollars, and not more than five hundred dollars; threefourths of one per cent. on such excess, if the same be more than five hundred dollars, and not more than one thousand dollars; and one per cent. on such excess, if the same be over one thousand dollars; which shall be deducted at the time the salary is audited and paid.

4. The commissioners of the revenue may grant licenses to such per-Licenses. sens as are authorized to obtain them according to law; and in granting Duties, liabilities licenses, the duties, liabilities, fees and compensation of a commissioner and compensashall be the same as now are or hereafter may be prescribed by law.

5. On every license to keep an ordinary or house of public entertain- Ordinaries and ment, thirty dollars for so much of the yearly value thereof as does not houses of enterexceed. and ten per centum on se much of the yearly value as does exceed two hundred dollars. On every license to keep a house of private en- Houses of private tertainment, or a private boarding house, five dollars for so much of the entertainment. yearly value thereof as does not exceed, and seven and a half per centum on so much of the yearly value as does exceed fifty dollars. On every Cook shops and license to keep a cook shop or eating house, ten dollars on so much of eating houses. the yearly value as does not exceed, and seven and a half per centum on so much of the yearly value thereof as does exceed one hundred dollars. On every license for the manufacture of porter or ale, twenty dollars on Porter and ale. so much of the yearly value thereof as does not exceed, and seven and a half per centum on so much of the yearly value as does exceed one hundred dollars.

6. On every license to a broker, five hundred dollars. On every li-Brokers. Insurcense to an agent or sub-agent of an insurance company, or office incor-ance companies.

porated or authorized by another state, one hundred and thirty-five dollars. On every license to a merchant or mercantile firm, when a speci-Merchant. See tax is to be paid, thirty dollars: Provided, That if the capital employed by said merchant or firm be shewn by affiduvit to be less than five bundred dollars, the tax to be paid shall be ten dollars; but this proviso shall only apply to persons taking out a license after the passage of this act, and shall not authorize any such person to sell wine, ardent spirits, or a mixture thereof; and when the tax is in proportion to the sales, if under one thousand dollars, ten dollars; if one thousand dollars, and under fifteen hundred, twelve dollars; if fifteen hundred dollars, and under twenty-five hundred dollars, sixteen dollars; if twentyfive bundred dollars, and under five thousand dollars, twenty-four dollars; if five thousand dollars, and under ten thousand dollars, thirtyeight dollars; if ten thousand dollars, and under fifteen thousand dollars, forty-eight dollars; if fifteen thousand dollars, and under twenty thou-sand dollars, fifty six dollars; if twenty thousand dollars, and under thirty thousand dollars, seventy-two dollars; if thirty thousand dollars, and under fifty thousand dollars, one hundred and four dollars: if fifty thousand dollars, and under seventy-five thousand dollars, one hundred and twenty-eight dollars; and if seventy-five thousand dollars, one hundred and sixty dollars, with fifteen dollars added for each sum of ten thousand dollars excess of sales over seventy-five thousand dollars. And in every case in which the license to a merchant or mercantile firm License for sale includes permission to sell wine, ardent spirits, or a mixture thereof, by of liquors. wholesale and retail, or by retail only, if such merchant or firm (com-mencing business for the first time) sell by wholesale and retail, an additional tax of seventy-five dollars; and if by retail only, twenty dollars; and if such license be to a merchant or mercantile firm to continue the privilege of selling wine, ardent spirits, or a mixture thereof, by wholesale and retail, or by retail only, the tax shall be one half of one per

centum on the amount of such sales for the year next preceding the

sioner.

time of obtaining said license, in addition to the specific tax imposed on new beginners.

Merchants selling provisions or agricultural commodities.

7. On every license to a merchant or mercantile firm to sell provisions or agricultural commodities, the growth or production of this state or some of the United States, if commencing business, the tax shall be twenty dollars; and if to continue the business after the same has been carried on for a year, the tax on such license shall be one per centum on the amount of commissions received, and the like per cent. on the profits on sales made by such merchant or firm on his or their own account during the year next preceding the time of obtaining such license; and this tax shall be in addition to such tax as may be imposed on a license to such merchant or firm to sell groceries or other goods, wares or merchandize.

Auctioneers.

8. On every license to an auctioneer or vendue master commencing business, if the population of the town does not exceed three thousand, thirty-two dollars; if the population of the town exceeds three thousand, an additional tax of fifteen dollars for every thousand persons above that number, and at that rate for any fractional excess less than one thousand. But said specific tax shall in no case exceed two hundred and fifty dollars. And if the license be to sell real estate only, the tax shall not exceed one hundred dollars. On every license to an auctioneer or vendue master to continue the business after the same has been carried on for a year, if the amount of sales of said auctioneer or vendue master for the preceding year be less than five thousand dollars, the tax on said license shall be twenty dollars; if five thousand dollars and less than ten thousand dollars, the tax on said license shall be thirty-five dollars; if ten thousand dollars and less than twenty-five thousand dollars, one hundred and twenty-five dollars; if twenty-five thousand dollars and less than fifty thousand dollars, two hundred dollars; if fifty thousand dollars and less than seventy-five thousand dollars, two hundred and fifty dollars; if seventy-five thousand dollars and less than one hundred thousand dollars, three hundred and twenty-five dollars; if one hundred thousand dollars and less than one hundred and fifty thousand dollars, four hundred and twenty-five dollars; and if one hundred and fifty thousand dollars or more, five hundred dollars: Provided, That auctioneers who deal exclusively in stocks shall pay a tax of two hundred

Tobacco auc-Goncers. 9. On every license to a tobacco auctioneer commencing business, twenty dollars; on every license to a tobacco auctioneer to continue the business after the same has been carried on for a year, the tax shall be at the same rates as that imposed on merchants' licensed to sell provisions or agricultural commodities.

Merchant tailors.

. 10. On every license to a merchant tailor, twenty dollars; and if the license be to continue the business after the same has been carried on for a year, the tax on such license shall be at the same rates as that imposed on merchants or mercantile firms; but the cost of manufacturing articles made up by such merchant tailor shall not be included in the amount of sales.

Lumber merchanta.

11. On every license to a lumber merchant, twenty dollars; and if the license be to continue the business after the same has been carried on for a year, the tax shall be at the same rates as that imposed on merchants or mercantile firms licensed to sell provisions or agricultural commodities. On every license to a dealer in coal and wood, twenty dollars; and if the license he to continue the business after the same has been carried on for a year, the tax shall be at the same rates as that imposed on merchants or mercantile firms licensed to sell provisious or agricultural commodities. On every license to a merchant or mercantile firm selling, for others on commission or for profit, horses, mules, cattle, sheep and hogs, or either of them. twenty dollars; and if the license be to continue the business after the same has been carried on for a year, the tax shall be at the same rates as that imposed on merchants or mercantile firms licensed to sell provisions or agricultural commodities. On every license to the owner of a feed store, twenty dollars; and if the license be to continue the business after the same has been carried on for

Dealers in coal and wood.

Commission

merchanta.

Feed stores.

17

a year, the tax shall be at the same rates as that imposed on merchants or mercantile firms licensed to sell provisions or agricultural commodities. On every license to a person selling goods by sample, one hundred dol- Tosellby sample. lars. On every license to sell or barter patent, specific or quack medi-Patent medicines. cines, if by wholesale, twenty dollars; if by retail only, ten dollars. On every license to a hawker or pedlar to deal in tin and pewter, twenty Pedlars. dollars; to deal in clocks, fifty dollars; to deal in goods, wares and merchandize or other articles, except tin, pewter and clocks, ninety-six dollars; to deal in goods, wares and merchandize, except clocks, when the license is issued in one of the counties bordering on the Ohio river, to trade in said river or at the shores thereof, one hundred dollars. On Ship brokers and every license to a ship broker or forwarding merchant, twenty dollars; forwarding merchants. and if the license be to continue the business after the same has been carried on for a year, the tax shall be at the same rates as that imposed on merchants or firms licensed to sell provisions or agricultural commodities. On every license to a person engaged as agent for the renting of Agents for renthouses, ten dollars. On every license to a person engaged as agent for ing houses.

Agents for hiring the hiring of negroes, ten dollars. On every license to a person obtain-negroes. ing subscriptions to books, five dollars. On every license to a person Book agents. selling prints, five dollars. On every license to a pedlar of pamphlets Pedlars of or periodical papers, five dollars. On every license to a person who pamphlets and may receive rough frame work of any description from other states and Rough frame put it together in this for the purpose of sale, thirty dollars. On every work. license to the proprietor of a distillery, if a new beginner, and said distillery is to be kept in operation as much as four months in the year, the tax shall be ten dollars; if for six months, twenty dollars; and if for a longer time than six months, fifty dollars; and if such distillery has been kept in operation as much as four months in the year next preceding the time of obtaining such license, the proprietor thereof shall pay, in addition to the tax imposed on new beginners, one-fourth of one per centum on the amount of sales of such distillery for the twelve months next preceding the time of obtaining such license. On every license to the On livery stables keeper of a livery stable, fifty cents for each stall thereof.

12. On every license to the owner of a jackass or stallion, for the ser- On stallions and vices of which compensation is received, twice the amount of such compensation, when the charge is for such service by the season; and when such services are for less than a season, then twice what the commissioner may judge to be a reasonable charge therefor: the tax, however, in no such case to be less than ten dollars. On every license permitting On public thes. theatrical performances in a public theatre, six dollars each week of tres. such performances. On every license permitting for a year the sale of Refreshments in refreshments in a theatre during such performances, forty dollars. On theatres. every license permitting the proprietor or occupier of any public room Public rooms. fitted for public exhibitions to use the same for such purposes for a year, sixty dollars. On every license permitting any public show, exhibition or shows. performance elsewhere, for every twenty-four hours, or for each time of performance, five dollars; and for every exhibition of a circus or menage- Circus. ne during the same time, twenty dollars. On every license permitting a Billiard tables. billiard table to be kept for a year, fifty dollars if at a mineral spring, and two hundred dollars if elsewhere: Provided, That where there are more than one such table kept in any one room, if at any mineral spring, thirty dollars each shall be charged for the excess over one, and one hundred dollars each for the excess over one if elsewhere. On every license Bowling alleys. permitting a bowling alley or saloon to be kept for a year, fifteen dollars if at any mineral spring, and thirty dollars if elsewhere: Provided, That where there are more than one such alley kept in any one room, fifteen dollars each shall be charged for the excess over one.

13. On every license to a physician, surgeon or dentist, five dollars. Physicians, surIf the yearly income derived from the practise of any of said callings or geons and dentists. professions during the year next preceding the time of obtaining license shall exceed four hundred dollars, and such excess be less than six hundred dollars, there shall be an additional tax thereon of one-half of one per cent.; if such excess be six hundred and less than one thousand dollars, there shall be an additional tax thereon of three-fourths of one

Attornevs at law.

per cent.; if such excess be one thousand or more, there shall be an additional tax thereon of one per cent.; but in no case shall such tax exceed fifteen dollars. On every license to an attorney at law, five dollars; if he practise in a district court, ten dollars; and if he practise in the court of appeals, fifteen dollars.

Daguerrean gallerv.

14. On every license to the owner of a daguerrean gallery, if in a city or incorporated town, twenty dollars; if elsewhere, five dollars; and if the yearly income derived from the practise of said art shall exceed five hundred dollars, an additional tax of one and a half per centum on such excess for the year next preceding the time of obtaining license.

Bank dividends.

15. On the dividends declared by any bank, except on so much thereof

Collateral inheritances. Code, p. 214. Writ, tax and Code, p. 215, 216.

as is on stock bona fide held by persons residing out of this state, or by corporations not within the same, the tax shall be three per cent. upon the amount thereof. 16. The tax on the estate of a decedent prescribed by the thirty-ninth

Seels

chapter of the Code of Virginia shall be two per centum of such estate. 17. The taxes prescribed by the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of said chapter shall be as follows, to wit: When a suit is commenced in a county or corporation court, fifty cents; when an original suit or appeal, writ of error or supersedeas is commenced, if in the court of appeals, three dollars and fifty cents; if in a district court, two dollars and fifty cents; if in a circuit court, seventy-five cents; when the scal of a court, of a notary public, or the seal of the state is annexed to any paper, (except in the cases provided for by the fifteenth section of said chapter.) three dollars for the state seal, and one dollar and seventy-five cents for any of the other seals: Provided, That there shall be no tax for affixing the seal of a county or corporation court to a bond or other instrument for the purpose of executing the same on behalf of the county or corporation in which such court is held, and upon every deed, will or grant of administration on which a tax is to be paid according to the said chapter, se-The first section of said chapter is hereby repealed. venty-five cents. 18. Be it further enacted, That any person who shall violate the pro-

Deeds, wills and administrations. Code, p. 213. § 1 of c. 39 repealed.

Penalty for trad-ing without li-

visions of this act, (after having been furnished with a certificate of assessment by the commissioner of the revenue, of the amount of taxes imposed by law,) by following any occupation or profession without obtaining said licenses, shall be subject to the same penalties as hawkers and pedlars are for trading without license.

19. Be it further enacted, That the licenses authorized to be issued by

See Code, § 30, p. 210, 211.

When licenses to terminate. this act shall terminate at the same time that merchants' licences now

License for part of year, how charged.

Repeal of chap. 40 of Code.

Commencement.

year bears to the whole year; and the tax for the succeeding year shall be a specific tax. 20. And be it further enacted, That chapter forty of the Codo of Virginia be and the same is hereby repealed.

terminate; and if the license be taken out for a part of a year, the tax

shall bear to that sum the proportion which the unexpired part of the

21. This act shall be in force from its passage.

CHAP. 18.—An ACT concerning certain lands vested in the Literary fund on which the taxes for eighteen hundred and thirty-one, or prior thereto, were released.

[Passed April 12, 1852.]

Preamble.

Whereas under an act of assembly passed on the ninth of February eighteen hundred and fourteen, if no person agreed to give for a tract of land exposed to sale under that act, the amount of taxes and damages, the title to such tract became, by virtue of the twentieth section of that act, vested in the president and directors of the Literary fund, and according to the terms of that section, the taxes due on any such tract were extinguished; and such lands or lots, whilst they remained the property of the Literary fund, were not chargeable with any tax; and whereas by the second section of an act of the tenth of March eighteen hundred and thirty-two, the taxes and damages due and chargeable upon any tract of land west of the Alleghany mountains, returned delinquent for the nonpayment of taxes thereon for eighteen hundred and thirty-one, or prior thereto, if the taxes (exclusive of damages) charged thereon did not exceed ten dollars, were extinguished; and by the second section of an act of the nineteenth of the same month, lands west of the Alleghany mountains which had been vested in the president and directors of the Literary fund, were, where the taxes and damages for which they were so vested did not together exceed twenty dollars for any one tract, exonerated and released from all claim therefor: and whereas by the second section of an act of the twenty-seventh of February eighteen hundred and thirty-five, after a recital that many tracts west of the Alleghany mountains, which were granted by the commonwealth before the first of April eighteen hundred and thirty-one, sever were, or had not been for many years, entered on the books of the commissioners of the revenue, by reason whereof there had occurand no forfeiture for the nonpayment of taxes, and the commonwealth was defrauded of her demands, and the settlement and improvement of the country delayed and embarrassed, a remedy was enacted therefor: and whereas it is now doubted whether the said remedy extends to the lands which were released and exonerated as aforesaid, by the second section of each of said acts of the tenth and nineteenth of March eighteen bundred and thirty-two; since by an act of the twenty-third of March eighteen hundred and thirty-six, it was provided that the said second section of the act of the twenty-seventh of February eighteen hundred and thirty-five should not be construed to apply to any lands omitted since eighteen hundred and thirty-one: For the removal of this doubt,

1. Be it enacted by the general assembly, That the owner of every tract How taxes on of land lying west of the Alleghany mountains, upon which taxes and delinquent and omitted lands damages were released by the second section of the said act of assem- west of Alleosmages were released by the second section of the year one thousand eight ghany, since by, passed on the tenth day of March in the year one thousand eight ghany, since 1831, may be hundred and thirty-two, or which was exonerated from taxes and da-paid. mages by the second section of the said act, passed on the nineteenth day of March eighteen hundred and thirty-two, and which has been omitted from the books of the commissioners of the revenue of the proper county for any year or years since the year eighteen hundred and thirty-one, shall, in case such tract of land be still off such books, cause the same to be entered in the land book of the commissioner of the revenue of the county, wherein the same or the greater part thereof shall lie; and whether such tract of land be still off such books or not, shall cause to be charged thereon, by such commissioner of the revenue, such taxes, for each of the years since eighteen hundred and thirty-one, that the same may have been omitted from such books, as would have been chargeable thereon, if the same had been on such books for such years with interest on such taxes, at the rate of six per centum per ansum from the fifteenth day of December in the year in which the same would have been so chargeable, (for which purpose an assessment shall, if accessary, be made by such commissioner, having due regard to the sessed value of contiguous lands,) and shall, before the first day of July eighteen hundred and fifty-three, actually pay to the sheriff of the county, on the books whereof such charges shall be made, or into the treasury, upon the certificate of the first auditor, all such taxes, with such interest thereon; and upon the failure of such owner so to do, every When such lands such tract of land, not now in the actual possession of him or his tenant, vested in the shall become absolutely forfeited to, and the title thereto be completely commonwealth. rested in, the commonwealth on the said first day of July eighteen hundred and fifty-three.

2. All right, title and interest which shall be vested in the common-Commonwealth's wealth under the first section of this act, to or in any such lands as are right vested in mentioned in the said first section hereof, shall, immediately upon the taxes. ame being so vested in the commonwealth, be absolutely and completely transferred to and vested in any persons, (other than those for shose default the same may have been forfeited, and those claiming mder them,) for so much as such persons may have just title or claim to from or under grants from the commonwealth, issued before such title first above mentioned shall have vested in the commonwealth, who, with those, if any, through whom they hold or claim under such

grants, shall have paid all taxes duly assessed on such lands so held or claimed by them, and all taxes which ought to have been assessed thereon.

Claims of conflicting tax pay-ers, how settled.

3. The preceding section shall not impair the right or title, legal or equitable, of any other person who shall, by title, legal or equitable, derived from or under the commonwealth, bona fide claim any such land on which the taxes assessed have been fully paid according to law; but in all such cases of conflicting claims, the parties shall be left to the strength of their respective titles.

Omitted lands vested in commonwealth, liavey and grant.

4. All lands, the title whereto shall be vested in the commonwealth under the first section of this act, and shall not be transferred to persons ble to entry, sur claiming under grants from the commonwealth under the second section hereof, shall, after such title shall have been so vested in the commonwealth, be liable to entry, survey and grant in the same manner as waste and unappropriated lands, or, in case entry or survey shall have been made before such title shall have so vested in the commonwealth, to grant thereupon in like manner.

Delinquent lands east of Alleghany, not subject to entry, survey and grant. See Code, p. 495.

5. Nothing in the three first sections of chapter one hundred and fourteen of the Code shall be construed to make any lands east of the Alleghany mountains liable to entry, survey or grant.

CHAP. 19.—An ACT authorizing the auditor of public accounts to adjust claims for the release and refunding of taxes in certain cases.

[Passed May 21, 1852.]

Auditor authorized to adjust claims for release and refunding of taxes on delinguent lands.

Mode of prorelief.

Commencement.

1. Be it enacted by the general assembly, That any person desiring to have any tax on real property with which he or any person from whom he may have derived title may have been, or may hereafter be erroneously or inequitably charged, and which may have been, or shall be returned delinquent for the nonpayment thereof, released or refunded, may, within five years after such property has been so charged, file with ceeding to obtain the auditor of public accounts a declaration in writing, verified by affidavit, setting forth the facts upon which he claims relief; and the said auditor shall grant such relief as upon the facts properly proven before Auditor to report him shall appear to be just and equitable.

cases in which relief granted or the grounds upon which he may have acted under this act, and of the grounds upon which he may have grounds upon the grounds upo

3. This act shall be in force from its passage.

CHAP. 20.-An ACT appropriating the public revenue for the fiscal year 1851 and 1852.

[Passed June 5, 1852.] 1. Be it enacted by the general assembly, That the public taxes and arrearages of taxes due prior to the first day of October last, and not

adjutant general, nineteen thousand dollars; military contingent fund,

three thousand dollars; military school at Lexington, for support, seven thousand seven hundred and ten dollars; and for balance of appropria-

General fund.

otherwise appropriated, and all other branches of revenue, and all public moneys not otherwise appropriated by law, which shall come into the treasury prior to the first day of October next, and the surplus of all appropriatious heretofore made, shall constitute a general fund, and be appropriated for the fiscal year to close on the thirtieth of September eighteen hundred and fifty-two, as follows: To the expenses of the general assembly, one hundred and fifty thousand dollars; to pay expenses of representation in congress and general assembly, twelve hundred dollars; to the salaries and allowances of the officers of civil government, ninety-three thousand dollars; to defray criminal charges, including expenses of guarding jails, forty-three thousand seven hundred dollars; to pay for slaves executed and transported, twelve thousand dollars; to pay expenses of penitentiary, nineteen thousand and five hundred dollars; to contingent expenses of courts, thirty-one thousand dollars; to pay for printing records of the court of appeals, four thousand five hundred dollars; to pay expenses of militia, including pay of

Legislature. Representation.

Salaries. Criminal charges. Slaves executed, Penitentiary. Expenses of courts. Printing Records. Militia. Military contingent fund. Virginia military institute.

tion for erection of new barracks, under the act of eleventh of March eighteen hundred and fifty, five thousand dollars; for the erection of a Gunhouse at gunhouse at Alexandria, nine hundred dollars; to the public guard at Alexandria. Richmond, including the interior guard of the penitentiary, twenty-two thousand dollars; one year's water rent to the thirty-first of December Water rent. eighteen hundred and fifty-two, one thousand and two hundred and eighty dollars; to the armory, for repairs, five hundred dollars; for re-Armory. pairs and transportation of arms, four thousand five hundred dollars; to Arms. commissioners of the revenue and clerks for examining commissioners' Commissioners books, fifteen thousand dollars; to the support of the lunatic asylum at and clerks. Stauaton, subject to a deduction for clothing furnished at the penitentiary, thirty-five thousand dollars; for transportation and conveyance of insane patients thereto, five thousand dollars; and to refund an amount heretofore paid out by the asylum for transportation of patients, one thousand eight hundred and thirty-four dollars and forty-six cents; to the annual support of the hospital at Williamsburg, subject to a deduction for clothing furnished at the penitentiary, thirty thousand dollars; for conveyance of insane persons thereto, two thousand dollars; for maintenance, &c. in county jails, one thousand five hundred dollars; to Lunatics in jail. the institute for the deaf and dumb and blind at Staunton, fifteen thou- Peaf, dumb and me institute for the deaf and dumb and blind at Staunton, fifteen thou-Deaf dumb and sand dollars; to pensioners, two hundred dollars; to civil contingent blind asylum. It is to the state personal dollars; to civil prosecutions, five hundred contingent fund, dollars; for printing Grattan's reports, three thousand five hundred dol-Prosecutions. Grattan's Relative to vaccine agent at Richmond, five hundred dollars; to the state ports. It is to be expended by the direction of the governor for defraying Vaccine agent. International experiences, &c. between the state of Virginia and foreign nations, two hundred and fifty dollars; to public warehouses, three hundred dollars; Warehouses. to commissioners, for assessing free negroes, one hundred and eighty dol- Assessment of lars; to Virginia volunteers, five hundred dollars; to Washington monu-free negroes.

ment fund, twenty-five thousand dollars; to William McCauley, page to Washington the senate, the sum of two dollars per day for each day of service as monument fund. page, to be paid upon the certificate of the clerk of the senate; to the Page of senate. servant Henry, employed to attend the senate chamber, the clerk's Servant to senate office and committee rooms of the senate, and for making fires in the chamber. same, one dollar and fifty cents per day, to be paid upon the certificate of the clerk of the senate; to further expenses of making fires and su-Servants making perintending furnaces in the capitol, the customary allowance to the fires and superineveral persons entitled to the same, to be paid upon the certificate of in capitol. the superintendent of public buildings; to supply deficit in the internal Interest on pubimprovement fund to meet interest on public debt, three hundred and lic debt. two thousand nine hundred and thirty-nine dollars and thirty-seven cents; to the Literary fund, for one year's interest on three hundred and zineteen thousand dollars, debt registered in the first auditor's office, and bearing an interest of seven per cent., twenty-two thousand three hundred and thirty dollars; and for one year's interest on twenty-four thousand and thirty-nine dollars and seventeen cents, debt registered in the first auditor's office, and bearing an interest of six per cent., one thousand four hundred and forty-two dollars and thirty-five cents; to pay interest on Interest on loans the certificates of debt registered in the first auditor's office, contracted for subscriptions for subscriptions to banks, twenty-seven thousand and six dollars and forty-two cents; for the temporary loan due the banks of the common-Temporary loans wealth, and paid on the fifteenth day of December eighteen hundred from banks. and fifty-one, two hundred and fifty thousand dollars; and for interest paid thereon, eight hundred and forty-one dollars and sixty-seven cents; for public roads, two thousand dollars. 2. Be it further enacted, That so much of the public revenue, and all Provision for de-

other moneys not otherwise appropriated by law, as may be received into fraying expenses the public treasury after the thirtieth day of September next, and the surplus of all other appropriations heretofore made, shall constitute a general fund, to defray such expenses authorized by law as are not herein particularly provided for, and to defray the other and current expenses of the commonwealth in the fiscal year which will commence on the first day of October next, and terminate on the thirtieth day of Septem-

Public reads.

ber one thousand eight hundred and fifty-three; and the auditor of public accounts is hereby authorized and required to issue his warrants in the same manner as if the sums had been specifically mentioned, subject to such exceptions, limitations and conditions as the general assembly may deem it proper to annex and prescribe by law: Provided, That nothing in this act contained shall be so construed as to authorize the auditor of public accounts to issue a warrant or warrants in satisfaction of any judgment or decree of any court of law or equity against the commonwealth for a sum exceeding three hundred dollars, without a special appropriation by law.

Payments to asylums to be quarterly. Commencement.

3. Be it further enacted, That the payments to the military institute deaf, dumb, blind for support, to the lunatic asylums for support, and transportation of patients, and to the institute for the deaf and dumb and blind for support, shall be made quarterly in advance.

4. This act shall be in force from its passage.

CHAP. 21.—An ACT to authorize the Board of public works for a limited time to loan money to the commonwealth.

[Passed March 31, 1852.]

Loan from Board

1. Be it enacted by the general assembly, That it shall be lawful for the of public works Board of public works to loan to the commonwealth, without interest. any money which the said board may have in possession, and which

When to be paid, they have not an immediate occasion to use: to be returned or paid to the said board in the months of June and December, from the revenues of the current fiscal year.

Act repealed after

2. The provisious of this act shall not be construed to authorize such lst January 1854. a loan after the first of January eighteen hundred and fifty-four, nor the extending of any loan beyond that day, but this act shall expire and stand repealed on that day.

Commencement.

3. This act shall be in force from its passage.

CHAP. 22.—An ACT to amend the second section of the act authorizing the issue of coupon bonds.

[Passed May 25, 1852.]

 Second section of act concerning coupon bonds Certificates of able.

1. Be it enacted by the general assembly, That the second section of the act passed the twenty-ninth day of March eighteen hundred and

tached to certificates. Transferable by delivery. Stock and cou-Code, p. 343.

ficate limited. coupons.

Limit on amount, seventh chapter of the Code of Virginia, and may be for sums less than Not to be sold under par.

persons to whom they are issued, be in the form prescribed in the sixty-

for less than the sum appearing on its face to be owing from the state. Commencement. 2. This act shall be in force from its passage.

fifty-one, entitled "an act authorizing the issue of coupon bonds," be See Acts 1850-51, re-enacted and amended, so as to read as follows: The certificates issued for the money so borrowed shall be signed by the second auditor, countersigned by the treasurer, sealed with the seal of the state, be stock how au. countersigned by the treasurer, sealed with the seal of the state, be thenticated, pay-made payable to the holder thereof, or, at the option of the persons to able and transfer whom they are issued, he made payable and transferable in the manner. whom they are issued, be made payable and transferable in the manner now provided by law, and shall purport that the principal will be payable by the commonwealth at a day named therein, not more than thir-Coupons of into ty-four years from the respective dates of such certificates. Coupons of interest in such form, and evidenced in such manner as the said board may prescribe, and transferable by delivery, shall be attached to the certificates, and the certificates and coupons attached thereto shall be payable at such places in the United States or elsewhere as the said pons, where pay board shall direct, subject, when payable elsewhere than at the treasury of this state, to such of the provisions of the sixty-seventh chapter of the Code of Virginia as relate to the borrowing of money in Europe; Amount of certibut no such certificate shall be issued for less than five hundred dollars Certificates may or more than five thousand dollars: Provided, That certificates for mobe issued without ney authorized to be borrowed under this act may, at the option of the

five hundred dollars. No certificate authorized by this act shall be sold

CHAP. 23 -An ACT concerning the salaries of certain officers of government, compensation of the members and officers of the general assembly, mileage and other allowances.

[Passed June 5, 1852.]

1. Be it enacted by the general assembly, That the several officers here-Salaries of ofinafter mentioned shall receive annually the following sums; that is to ficers of govern-

IN EXECUTIVE DEPARTMENT.

The governor, the sum of five thousand dollars. The secretary of Governor; secrethe commonwealth and librarian, sixteen hundred and twenty dollars. The sessistant clerk, one thousand dollars, and the copying clerk, seven sistant clerk and hundred dollars. The superintendent of weights and measures, three copying clerk. Superintendent hundred dollars. hundred dollars.

of weights and measures.

IN THE OFFICE OF THE AUDITOR OF PUBLIC ACCOUNTS.

2. The auditor of public accounts, the sum of two thousand dollars. Auditor of public The clerk of accounts, sixteen hundred dollars. The first clerk, thirteen accounts. hundred dollars, and also the sum of three dollars per day while acting counts. as the auditor of public accounts, during the absence or sickness of that First clerk. officer. The second and third clerks, each seven hundred and fifty Second, third and dollars. The fourth clerk, six hundred dollars.

IN SECOND AUDITOR'S OFFICE.

3. The second auditor, the sum of two thousand dollars. The first Second auditor clerk in his office, thirteen hundred dollars. The second clerk, eight and his clerks. bundred dollars. The third clerk, eight hundred dollars. The fourth clerk, six hundred dollars.

IN TREASURER'S OFFICE.

4. The treasurer, the sum of two thousand dollars. The first clerk Treasurer and his in his office, eleven hundred dollars. The second clerk, seven hundred clerks. and fifty dollars.

IN LAND OFFICE.

5. The register of the land office, the sum of two thousand dollars. Register of land The first clerk in his office, eleven hundred dollars. The second clerk, office and his clerks. seven hundred and fifty dollars.

JUDICIAL DEPARTMENT.

Court of Appeals.

6. The judges of the supreme court of appeals, the sum of three Judges of court thousand dollars each. The reporter of the court of appeals, fifteen of Reporter of hundred dollars.

Circuit Courts.

7. The judge of the fifth circuit the sum of fifteen hundred dollars; Judge of fifth the judge of the seventh circuit, twenty-three hundred dollars; and the fruit.

Judge of seventh judges of all the other circuits, each the sum of two thousand dollars. circuit.

8. The several judges of the supreme court of appeals and of the Other judges. circuit courts shall moreover each be entitled to mileage for travel to Mileage of judges. and from their several courts in the manner hereafter specified.

Attorney for the Commonwealth.

9. The attorney general shall receive annually the sum of fifteen Attorney general bundred dollars.

Clerks of Courts.

10. The clerk of the court of appeals at Richmond, and the clerk Clerks of court of the said court at Lewisburg, one thousand dollars each. The clerk of appeals.

Clerk of circuit of the circuit court for the city of Richmond, one hundred dollars. court of Richmond.

PAY OF MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY.

11. The pay of the members and officers of the general assembly Pay of president shall be as follows: The president of the senate and speaker of the of senate and bouse of delegates, each the sum of eight dollars per day; and each of of delegates, the other members of the general assembly, four dollars per day for Pay of members. attendance on the duties of their respective houses. Any member of

either house taken so sick during the session of the general assembly, or on his journey to the place of session, as to be unable to come to, or sit in the house, shall receive wages for every day of the session he shall be so disabled, in the same manner as if he had sat in the house.

Mileage of members.

12. The members of the assembly shall be allowed mileage for travel to and from the place of session of the general assembly.

('lerk of senate.

13. The clerk of the senate shall receive one hundred dollars each week during the session; and the compensation of the present clerk shall be at that rate from the commencement of the present session. He shall also receive fifty dollars for preparing an index to the jour-clerk of house of nal of the senate, and the documents printed by its order. The clerk of the house of delegates, one hundred and fifty dollars each week during the session; also as keeper of the rolls, two hundred dollars annually; also for preparing an index to the journal of the house of delegates, and the documents, and for preparing tables of the places of holding separate elections, and of the terms of the courts, as required by

14. The sergeant at arms of the senate and the sergeant at arms of

Keeper of the rolls.

delegates.

the sixteenth chapter of the Code of Virginia, the sum of one hundred and forty dollars annually.

Sergeants at arms.

Pays of doorkeepers.

Clerks of committees.

the house of delegates shall each receive the sum of thirty dollars per Fees of sergeants, week during the session of the general assembly. Each of the said sergeants shall be allowed, for taking any person into custody by the order of the house, two dollars; for every day he detains, such person in custody, two dollars; and for the travel of himself or a messenger to take any person into custody by such order, eight cents per mile going, and the same returning. The doorkeepers of both houses shall receive the sum of twenty-eight dollars each week during the session of the general assembly. The clerks of the several standing committees in each house shall be allowed for their services twenty-eight dollars per week until discharged; that is to say: In the senate, the clerk of the committees on roads and internal navigation, and on general laws; the clerk of the committees of finance and claims, and of courts of justice; and the clerk of the committees on agriculture and commerce, privileges and elections, and on banks. And in the house of delegates, the clerk of the committee on propositions and grievances; the clerk of the committee for courts of justice; the clerk of the committees of privileges and elections, and of agriculture and manufactures; the clerk of the committee of finance and claims; and the clerk of the committee of roads and internal navigation, and of schools and colleges. said clerks shall perform the duties of clerks of any other committees in their respective houses, and any similar service that may be required of them, without additional compensation.

PUBLIC PRINTER AND THE PRINTER OF THE SENATE.

15. The public printer shall receive the sum of forty-eight hundred Public printer and printer to the dollars, and the printer of the senate the sum of eleven hundred dollars.

OFFICERS OF THE PENITENTIARY.

Superintendent of the penitentiery. Assistant keepers. out of manufac-

tentiary and public guard.

General agent of penitentiary.

16. The superintendent of the penitentiary shall receive the sum of two thousand dollars; the first assistant keeper, seven hundred dollars; the second, third, fourth, fifth, sixth and seventh assistant keepers, each Their allowance six hundred dollars. Moreover, each of said assistant keepers shall be allowed one hundred dollars worth of the manufactures of the penitentiary, at the prices fixed by the directors, every year the labor and manufactures whereof shall amount to the sum of thirty-two thousand dol-Surgeon of peni-lars. The surgeon of the penitentiary and public guard shall receive the sum of nine hundred dollars.

> 17. The general agent and storekeeper shall be allowed a commission of eight per centum on all sales, other than sales at auction, made by him. He shall receive on sales at auction, ordered by the board of directors, a commission of only two and one-half per centum; and on manufactures, for clothing the convicts and slaves reprieved for transportation, and jobs and labor for the use of the commonwealth, he shall

be allowed no commission.

18. The directors of the penitentiary shall receive the sum of three Directors of penidollars each for every day's attendance on the board : Provided, That tentiary. no director shall receive more than one hundred and fifty dollars per an-The clerk of the penitentiary, six hundred dollars.

Clerk of peniten-

HOW THE SALARIES AND ALLOWANCES ARE PAID.

19. All the annual salaries mentioned in the preceding sections shall How salaries are be paid out of the treasury quarterly, after being duly audited, except paid. that of the public printer, of which one thousand dollars shall be pay-How public able quarterly, and the residue on the order of the governor, when the printer is paid. acts of assembly of each session shall have been printed and delivered. All the other allowances, and the mileage mentioned in the preceding sections, shall in general be payable when the services and travel shall have been performed. But members of the general assembly, and others Mileage for going traveling to the seat of government, who would be entitled to mileage and coming may for traveling home, may receive the mileage last mentioned before going same time. home.

MILEAGE.

20. Mileage (unless otherwise provided) shall be at the rate of four Pay for mileage.

dollars for every twenty miles of necessary travel.

21. The distance between any points shall be computed according to Distances, how the nearest mail route, except when some specified rule is provided ascertained and The following shall be computed as the number of miles between the Ascertained diserry of Richmond and the respective courthouses of the following countances. ties: Accomack, two hundred and sixteen; Albemarle, eighty; Alexandria, one hundred and fifteen; Alleghany, two hundred; Amelia, fortyseven; Amherst, one hundred and thirty-six; Augusta, one hundred and twenty-one; Appomattox, one hundred; Bath, one hundred and seventy-five; Barbour, two hundred and seventy-five; Bedford, one hundred and forty-five; Berkeley, one hundred and seventy; Boone, three hundred and forty-nine; Botetourt, one hundred and sixty-seven; Braxton, three hundred and eighteen; Brooke, three hundred and seventy-three; Brunswick, sixty-nine; Buckingham, eighty; Cabell, three hundred and sixty-three; Campbell, one hundred and twenty; Caroline, forty-four; Carroll, two hundred and fifty-five; Charles City, thirty; Charlotte, one hundred; Chesterfield, fourteen; Clarke, one hundred and fortysix; Craig, one hundred and eighty-five; Culpeper, one hundred; Cumberland, fifty-five; Dinwiddie, forty; Doddridge, three hundred and twenty-four; Elizabeth City, ninety-six; Essex, fifty; Fairfax, one handred and twenty-nine; Fauquier, one hundred and seven; Fayette, two hundred and eighty-five; Fluvanna, fifty-nine; Floyd, two hundred and twenty-five; Franklin, one hundred and eighty-five; Frederick, one hundred and fifty; Giles, two hundred and forty-one; Gilmer, two hundred and ninety-eight; Gloucester, eighty; Greene, ninety; Goochland, twenty-eight; Grayson, two hundred and eighty; Greenbrier, two hundred and twenty-one; Greenesville, sixty-three; Halifax, one hundred and thirty; Hampshire, two hundred; Hancock, three hundred and ninety-two; Hanover, twenty; Hardy, two hundred and eighteen; Harrison, two hundred and ninety-five; Henry, two hundred; Highland, one hundred and seventy-two; Jackson, three hundred and sixty-two; Isle of Wight, ninety; James City, sixty; Jefferson, one hundred and sixty; Kanawha, three hundred and twenty-five; King and Queen, forty; King George, eighty-three; King William, twenty-seven; Laneaster, ninety; Lee, four hundred and five; Logan, three hundred and seventy-four; Loudoun, one hundred and fifty; Louisa, fifty-four; Lewis, two hundred and seventy-two; Lunenburg, seventy-five; Madison, one hundred; Marion, three hundred and ten; Marshall, three hundred and fifty; Matthews, one hundred; Mercer, two hundred and seventy; Mason, three hundred and eighty; Middlesex, eighty-three; Mecklenburg, one hundred and ten; Monongalia, three hundred; Monroe, two hundred and thirty-five; Montgomery, two hundred and fifteen; Morgan, one hundred and eighty-six; Nansemond, one hundred and two; Nelson, one hundred and ten; New Kent, thirty; Nicholas, two hundred and eighty-five; Norfolk, one hundred and sixteen; Northampton, one

hundred and seventy-four; Northumberland, eighty-five; Nottoway, sixty; Ohio, three hundred and fifty-seven; Orange, eighty; Page, one hundred and forty; Patrick, two hundred and thirty-five; Pendleton, one hundred and seventy; Pittsylvania, one hundred and sixty; Pleasants, three hundred and thirty-six; Pocahontas, two hundred; Powhatan, thirty-two; Preston, two hundred and eighty; Prince Edward, eighty; Princess Anne, one hundred and thirty-seven; Prince George, thirty; Prince William, one hundred and two; Pulaski, two hundred and twenty-nine; Putnam, three hundred and forty-nine; Raleigh, two hundred and ninety-four; Randolph, two hundred and forty-five; Rappahannock, one hundred and twenty-five; Richmond, sixty; Ritchie, three hundred and forty; Roanoke, one hundred and eighty; Rockbridge, one hundred and fifty-six; Rockingham, one hundred and thirty; Russell, three hundred and thirty-two; Scott, three hundred and seventy; Shenandoah, one hundred and sixty; Smyth, two hundred and eightysix; Southampton, seventy-five; Spotsylvania, seventy; Stafford, seventy-three; Surry, sixty-seven; Sussex, fifty; Taylor, two hundred and ninety; Tazewell, three hundred; Tyler, three hundred and thirty-seven; Upshur, two hundred and fifty-six; Warren, one hundred and forty; Warwick, eighty-one; Washington, three hundred and nine; Wayne, three hundred and eighty-five; Westmoreland, seventy; Wetzel, three hundred and forty-seven; Wirt, three hundred and forty; Wood, three hundred and seventy; Wyoming, three hundred and fofty-four; Wythe, two hundred and fifty-seven; York, seventy-two. And the following shall be computed as the number of miles between the city of Richmond and the respective courthouses of the following corporations: Norfolk, one hundred and sixteen; Petersburg, twenty-two, and Williamsburg, sixty.

How distances to to be computed.

Repeal of 14th

22. The distance of the city of Richmond from any place in any other places than county or corporation other than the courthouse thereof, shall be ascertained by adding to or deducting from the number of miles between the city of Richmond and such courthouse as declared by this or any future law, so many miles as such place may be farther from or nearer to said city than such courthouse may be.

23. The fourteenth chapter of the Code of Virginia is hereby re-

chapter of Code. pealed.

24. This act shall take effect from its passage. Commencement.

> CHAP. 24.—An ACT to provide for compensating the clerks of the standing committees of the senate.

[Passed February 16, 1852.]

Pay of clerks of 1. Be it enacted by the general assembly. That the clerks of the seve-standing commit-tees of senate. twenty-eight dollars per week until discharged; that is to say: The clerk of the committees of courts of justice, and finance, and claims; the clerk of the committees of general laws, and roads and internal navigation; and the clerk of the committees of privileges and elections, agriculture and commerce, and banks. The said clerks shall perform such other duties as are required of them by the rules of the senate, without addi-

Their duties.

Commencement.

tional compensation. 2. This act shall be in force from its passage.

CHAP. 25.—An ACT providing for the compensation of the clerk of the committee of general laws in the senate.

[Passed May 25, 1852.]

Pay of clerk of committee of eneral laws of the senate.

1. Be it enacted by the general assembly, That the clerk of the committee of general laws of the senate be allowed for his services twentyeight dollars per week from the time of his appointment until discharged. 2. This act shall be in force from its passage.

Commencement.

CHAP. 26.—An ACT fixing the pay of the clerk of the committee on county organization.

[Passed March 18, 1852.]

1. Be it enacted by the general assembly, That the clerk to the commit- Pay of clerk of tee on county organization shall receive twenty-eight dollars per week committee on county organization. for the time he is employed in the service of the committee, and he shall tion. perform such other duties as are required of him.

2. This act shall be in force from its passage.

Commencement.

CHAP. 27.—An ACT giving the consent of this state to the purchase by the United States of a place for a custom house in the city of Norfolk.

[Passed February 6, 1852.]

Whereas the congress of the United States has made an appropriation Preamble. for the purchase of a site for a new custom house at Norfolk, and for the erection of said custom house there has been purchased, (if the consent of the legislature of this state be given thereto,) certain land in the city of Norfolk, situated between Main street and Water street, and nearly opposite to the foot of Granby street, fronting on Main street one hundred and twenty-eight feet eight inches, and extending through to Water street, upon which last named street it fronts one hundred and twelve feet: Therefore,

1. Be it enacted by the general assembly of Virginia, That the consent Consent of state of the legislature of this state shall be and is hereby given to the said given to the purchase by conpurchase, so that congress may exercise such authority over the place so gress of a site for purchased as is within the contemplation of the seventeenth clause of a custom house the eighth section of the first article of the constitution of the United States. But this consent is given, subject to the following terms and Terms and concenditions, to wit: First, that this state retains concurrent jurisdiction ditions. with the United States over the said place, so that the courts, magistrates and officers of this state may take such cognizance, execute such process and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given. Second, that if a custom house should not be erected on the said land within five years from the passage of this act, or though it should be erected within that time, if by reason of its falling into decay, or otherwise, there should be a failure to use it for that purpose for five years, then the consent hereby given shall cease and determine.

2. This act shall be in force from its passage.

Commencement.

Chap. 28.—An ACT concerning officers elected by joint vote of the two houses of the general assembly. [Passed May 22, 1852.]

1. Be it enacted by the general assembly, There shall be elected every Officers to be two years by the joint vote of the two houses of the general assembly elected by genethe following officers: A secretary of the commonwealth, a treasurer, ralassembly. an auditor of public accounts, a second auditor, a register of the land office, a superintendent of the penitentiary, a general agent and store-keeper of the penitentiary, and a public printer.

2. The term of office of each of them shall begin on the first day of Term of office. June next after the commencement of the session of the general assembly at which he was elected, and continue two years, and afterwards until a successor shall be qualified according to law.

3. In addition to the duties prescribed in the constitution, the secre-Duties of secretary of the commonwealth shall perform such duties as are prescribed tary of common wealth and librafor the secretary of the commonwealth as such, or as the general libra-rian. rian, by the laws now in force, or that may be hereafter enacted.

4. The powers and duties of the auditor of public accounts shall be Powers and dusuch as are prescribed for the first auditor by the laws now in force, or ties of auditor of public accounts. such as may be hereafter prescribed by law.

on as may be nereafter prescribed by law.

5. The powers and duties of the treasurer, second auditor, register of ties of second the land office, superintendent of the penitentiary, general agent and auditor, register, storekeeper, and public printer, shall be such as now are or may be here-and general agent after prescribed by law for those officers respectively.

of penitentiary, and public

printer.

Two auditors statement. published.

6. The auditor of public accounts, the treasurer and the second audiand treasurer to prepare financial tor shall annually, before the first day of November, communicate to the governor a statement containing a synopsis of the financial condition of Statement to be their respective departments of the government, which the governor shall cause to be published in two newspapers printed in the city of Richmond having the most general circulation throughout the commonwealth.

Officers required to make biennial tions When to be

7. The auditor of public accounts, second auditor and treasurer, and each of the other officers mentioned in the first section, who are now re-See joint resolu-quired to make annual reports, shall biennially, before the first day of November, make a report to the governor, which he shall deliver to the public printer.

Sections of chap. 18 of Code, and 35th section of Commencement.

made.

8. That the first and second sections of chapter eighteen, and that the thirty-fifth section of chapter forty-five of the Code of Virginia be and chap. 45 repealed. the same are hereby repealed.

9. This act shall be in force from its passage.

CHAP. 29.—An ACT providing for the discharge of the executive functions in certain cases.

[Passed May 29, 1852.]

Who to act when zovernor and lieutenant governor cannot discharge executive functions.

1. Be it enacted by the general assembly, That in case the office of governor, with its compensation, shall devolve upon the lieutenant governor, and he shall be removed from office, or shall die, fail to qualify, resign, remove from the state, or be unable to discharge the powers and duties of the office, then the attorney general elected by the voters of the commonwealth; or if there be no such attorney general, then the president of the senate pro tempore; or if there be no such president, the speaker of the house of delegates shall discharge the executive functions until there is a governor or lieutenant governor who can act. When a person filling the office of president of the senate pro tempore, nate or speaker of speaker of the house of delegates, shall have commenced discharging the executive functions under this section, his authority to discharge them shall not be terminated by another being appointed his successor in the said office of president or speaker.

President of senate or speaker to continue.

Commencement.

2. This act shall be in force from its passage.

CHAP 30.—An ACT conferring on the joint committee on the state library the power of determining the prices at which the several volumes of Reports of Decisions of Court of Appeals and General Court shall be sold, and the amount of commissions to be allowed on such sales.

[Passed February 5, 1852.]

Who to fix price of Reports and commissions for

1. Be it enacted by the general assembly, That the joint committee on the state library shall determine the prices at which the several volumes of Reports of Decisions of the Court of Appeals and the General Court shall be sold, and the amount of commissions to be allowed on such sales.

Commencement.

2. This act shall be in force from its passage.

CHAP. 31.—An ACT authorizing the rector and visitors of the university to borrow money for certain purposes.

[Passed February 17, 1852.]

Authority to borrow money to pay for new building at university.

Sum limited.

1. Be it enacted by the general assembly, That the rector and visitors of the University of Virginia be and they are hereby authorized, for the purpose of paying the debt contracted for the building now in course of erection, to borrow from the banks of this commonwealth, or from any person, or any body politic or corporate, any sum of money not exceeding twenty-five thousand dollars, at a rate of interest not exceeding six Security for loan. per centum per annum, and to pledge for the payment of the interest and redemption of the principal of the money so borrowed, any part of the annual appropriation of fifteen thousand dollars heretofore made by law to the university, except so far as the same may have been pledged to any previous loan heretofore made by said rector and visitors under authority of law; and further to pledge any part of its other income, which has not been otherwise applied: Provided, That the aforesaid pledge shall not in any manner bind the commonwealth.

Commencement.

2. This act shall be in force from its passage.

CHAP. 32.—An ACT authorizing the appointment of an additional visitor of the University of Virginia.

[Passed March 13, 1852.]

1. Be it enacted by the general assembly, That the governor of the Additional visitor commonwealth be and he is hereby authorized to appoint, at the periods of university be appointed. fixed by the Code, an additional visitor of the University of Virginia, so as to make the board consist of nine instead of eight members, and that Visitors, how to three of said visitors be selected from the division of the state in which be selected. said University is situated, so as to allow of the formation of the usual Executive comexecutive committee in its vicinity for the transaction of business in the mittee. recess of the board.

2. This act shall be in force from its passage.

Commencement.

CHAP. 33.—An ACT allowing the Virginia military institute to sue and be sued. [Passed March 13, 1852.]

1. Be it enacted by the general assembly, That the visitors of the mili-Visitors of Virtary school established in the county of Rockbridge near the town of ginla military institute incor-Lexington shall be and are hereby declared to be a corporation, by the porated, name of "The Virginia Military Institute," and as such may sue and be May sue and be seed for any cause or matter which has heretofore arisen, as well as for sucd. any cause or matter which may hereafter arise.

2. This act shall be in force from its passage.

Commencement.

CHAP. 34.—An ACT making provision for additional accommodation for the cadets of the Virginia military institute.

[Passed May 29, 1852.]

Whereas it is represented by the board of visitors of the Virginia mili- Preamble. tary institute that the quarters provided in the new barracks erected under the act of March eighth, one thousand eight hundred and fifty, are insufficient to accommodate the additional state and pay cadets designed to be admitted, and an addition of funds is needed for this purpose, and also to meet the cost of the improved heating and lighting arrangements introduced by the board of visitors:

1. Be it enacted by the general assembly, That the sum of thirty thou-Additional apsand dollars be and the same is hereby appropriated, from any funds in propriation to the treasury not otherwise appropriated, for these purposes, and the audi-institute.

tor of public accounts is hereby instructed to issue his warrant for the same, upon the order of the president of the board of visitors.

2. Be it further enacted, That so much of the first section of the act, Clause of act entitled "an act appropriating the public revenue," passed March se-making appropriation to new venth, one thousand eight hundred and fifty-one, as appropriates the barracks resum of twenty-three thousand dollars to the military school at Lexing-pealed.

Acts 1850-51, c.2, ton for erecting new barracks, be and the same is hereby repealed. 3. This act shall be in force from its passage.

§ 1, p. 4. Commencement.

CHAP. 35.—An ACT appropriating two thousand dollars to purchase a library and philosophical apparatus and organ for the institution of the deaf and dumb and of the blind.

[Passed June 5, 1852.]

1. Be it enacted by the general assembly, That the sum of two thousand Appropriation dollars be and the same is hereby appropriated, out of any money in the for apparatus treasury not otherwise appropriated, for the purpose of purchasing a deaf, dumb and library, philosophical apparatus and an organ for the Virginia institution blind asylum. for the education of the deaf and dumb and the blind; and that the same be paid, upon the warrant of the auditor of public accounts, to the president and visitors of said institution.

2. This act shall be in force from its passage.

Commencement.

CHAP. 36.—An ACT appropriating the sum of five thousand dollars to construct fixtures and apparatus for lighting the Western lunatic asylum with gas.

[Passed February 25, 1852.]

Appropriation to pay for gas for Western lunatic asylum.

1. Be it enacted by the general assembly, That the sum of five thousand dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of constructing suitable fixtures and apparatus for lighting the Western lunatic asylum with gas, and that said sum of money be drawn from the treasury, upon the warrant of the auditor of public accounts, in favor of the directors of said Western lunatic asylum.

Commencement.

2. This act shall be in force from its passage.

CHAP. 37.—An ACT to authorize the governor to lease a part of the armory building and land adjoining.

[Passed February 24, 1852.]

Part of armory leased to Robert Archer & Co. Time of lease.

1. Be it enacted by the general assembly, That the governor of this and its lands to be commonwealth be and he is hereby authorized to lease out, for the benefit of the commonwealth, to Robert Archer and company, or their assigns, for an additional term of ten years, so much of the armory building, water power and grounds attached thereto, as have been heretofore leased by the Board of public works to Charles F. Osborne and Acts 1845-6, p. 17. his assigns, under authority of an act "concerning the armory," passed

on the twenty-eighth of February eighteen hundred and forty-six, upon Terms of lease. the terms and restrictions heretofore agreed upon between the said

Osborne and Board of public works.

Additional land to be leased.

2. Be it further enacted, That the governor is hereby further authorized to lease for the term of ten years an additional quantity of land, not exceeding one acre, lying adjacent to the property heretofore leased as aforesaid, and between it and the river, upon such terms as may be agreed upon between the said governor and the said Robert Archer and company.

Torme.

3. This act shall be in force from its passage.

Chap. 38.—An ACT for paving the public lots used in the division of live stock in the city of Richmond, and for putting the same in repair.

[Passed February 25, 1852.]

Executive to cause lots for and enclosed. Repealed. See post, c. 39.

Commencement.

1. Be it enacted by the general assembly of Virginia, That the executive of this commonwealth be and he is hereby authorized and required to weighing live of this commonwealth be and he is hereny authorized and required to stock to be paved contract for and cause, at the public expense, the public lots in the city of Richmond, used in the division of live stock brought to the scales to be weighed, to be paved with suitable materials, and also to be enclosed with a substantial enclosure, and to be otherwise so repaired as to preserve the same from washing or other injury: Provided. That not more than five hundred dollars shall be expended or contracted to be expended for that purpose.

Appropriation.

2. This act shall be in force from its passage. Commencement.

> Chap. 39.—An ACT providing for the removal of the scales and weights for weighing live stock brought to the city of Richmond.

> > [Passed May 4, 1852.]

Lot to be pur-chased and buildings erected for weighing live stock.

1. Be it enacted by the general assembly, That the governor is hereby authorized and required to purchase as soon as practicable two acres of land lying in or near the city of Richmond, at a price not exceeding five hundred dollars, and that he cause to be erected thereon a building and such other improvements as he may deem necessary for weighing and dividing live stock, and cause to be removed thereto the scales and weights now used on the public lot for that purpose.

Scales and weights to be removed.

2. For the purpose of purchasing said lot of land, the sum of five hundred dollars is hereby appropriated out of any money in the treasury not

Appropriation.

otherwise appropriated.

Old lot to be sold.

3. The governor is hereby authorized and required to sell the lot now used for dividing and weighing live stock, on such terms as he may deem best, and to convey to the purchaser the title thereto; and he shall apply ing new building. aforesaid. the proceeds of such sale to erecting the building and other improvements

Proceeds of sale

4. That the act passed the twenty-fifth day of February one thousand Repealing clause eight hundred and fifty-two, entitled "an act for paving the public lots See ante, c. 37. med in the division of live stock in the city of Richmond, and for putting the same in repair," be and the same is hereby repealed.

5. This act shall be in force from and after its passage.

Commencement.

CHAP. 40.—An ACT for the settlement of disputed boundary lines between the counties of this state.

[Passed May 11, 1852.]

1. Be it enacted by the general assembly, That whenever a doubt shall Disputed bounexist or dispute arise as to the true boundary line between any two counties, how settled. ties in this state, it shall be lawful for the county courts of the respective counties whose boundary is thus in doubt or dispute, to appoint not less than three nor more than five commissioners in each county, who shall be resident freeholders of their respective counties, (a majority of those appointed for each county being necessary to act,) to ascertain and establich the true line. But the said commissioners, before proceeding to Surveyor and ascertain such boundary, shall employ a competent surveyor and chain carriers to run the same, and, with the best evidence which they can procare, direct their surveyor to run and mark the same. It shall thereupon Surveyor's duty. be the duty of the said surveyor to make two plats of the course or courses and distances of the said line, and to note particularly such places of notoriety or objects of prominence through or by which it passes, as in the opinion of a majority of the commissioners will best designate the And said surveyor shall deliver the said plats to the commissioners, Plats of boundswho shall return them to the county courts by which they were appointed, ries, where to be there to be recorded; and in all controversies thereafter touching said line, the said plats shall be taken as conclusive evidence.

2. Be it further enacted, That the county court of each county shall Compensation to make a reasonable compensation to the commissioners of such counties commissioners respectively, and to the surveyor and chain carriers, to be paid out of chain carriers. the county levy of each county respectively.

3. This act shall be in force from its passage.

Commencement.

CHAP. 41.—An ACT changing a part of the dividing line between the counties of James City and York.

[Passed April 28, 1852.]

1. Be it enacted by the general assembly, That the dividing line be-How line between the counties of James City and York, where it passes through the tween James city of Williamsburg, shall be changed in the following manner, to wit: Williamsburg to

From a point in the said line opposite to the southwestern corner of run. the lot occupied as a dwelling place by Thomas O. Cogbill, a line shall be drawn to the said corner, and shall continue along the western boundary of the said lot to the northwestern corner of the same; thence it shall run along the northern boundary of the said lot to its northeastern corner; thence it shall run along the castern boundary of the said lot to its southeastern corner, and shall continue in the same direction until it return to the said dividing line as it now exists; and the line here deacribed shall hereafter be a part of the dividing line between the said counties of James City and York, so as to include within the limits of the county of James City the said lot of the said Thomas O. Cogbill and that portion of the city of Williamsburg which lies between the said lot and the present dividing line.

2. This act shall be in force from its passage.

Commencement.

CHAP. 42.—An ACT authorizing the county court of Lee to take the sense of the voters in relation to the formation of a new county out of the same, and suspending the erection of a courthouse and jail for said county.

[Passed May 28, 1852.]

Whereas the jail of the county of Lee has recently been destroyed by Preamble. fire, and the court of said county are embarrassed as to the expediency of rebuilding the same at its present location, in consequence of the desire of a very large portion of the citizens of said county to have a

new county formed by a division thereof, which event would render the removal of the courthouse and other public buildings necessary and

1. Be it therefore enacted by the general assembly, That the county

proper:

Building of jail in Lee county to be suspended.

How and when question of for-

mation of new

county out of Lee to be sub-

court of Lee be and they are hereby authorized and directed to suspend all action in regard to the rebuilding of the jail of said county, until a full sense of the people of said county of Lee can be ascertained in relation to the formation of a new county by a division of said county; and that the said court, at its July or August term next, shall appoint three commissioners at the courthouse, and at each of the places established by law for holding separate elections, who shall cause polls to be opened at such places for and against the formation of such new county, initted to people. on the Tuesday next after the first Monday in November next: Provided however, That the action of the said county court shall be founded upon a petition to the general assembly by citizens of said county, setting forth distinctly the boundaries of such new county, with a designation of a place for the location of the courthouse and other public buildings

Notice to be given of election.

2. Due notice shall be given of the said election, and all other provisions shall be complied with, as prescribed by the Code of Virginia in relation to the formation of new counties.

Commencement.

3. This act shall be in force from its passage.

CHAP, 43.—An ACT authorizing the sale of the old courthouse, jail and public grounds attached thereto, of the county of Grayson.

[Passed February 10, 1852.]

Sale of courthouse, jail and

1. Be it enacted by the general assembly of Virginia, That the county nouse, jail and court of Grayson county be and is hereby authorized to make an order public grounds of Grayson county, appointing one or more commissioners to make sale of the old courthouse, jail and public grounds attached thereto, in such manner and on such terms as to the said court shall seem expedient, to be specified in such order: said sale, when made, shall be reported by the said commissioners to the said court, and shall be considered by them on the day to which they shall have been summoned for laying the county levy next after said sale. On such consideration, the said court in its discretion shall either set aside such sale and order a new sale by the same commissioners or by others, or confirm the same and make the proper order authorizing the commissioners to collect the money and convey title to

Proceeds of sale, the purchaser. The proceeds arising from the said sale, after deducting the charges attending the same, shall be by the said court applied towards lessening the county levy.

how applied.

Commencement. 2. This act shall be in force from its passage.

CHAP. 44.—An ACT to authorize the county court of Orange county to dispose of the public lot on which the courthouse of said county now stands.

[Passed May 3, 1852.]

Courthouse lot

New site to be purchased and courthouse built.

1. Be it enacted by the general assembly, That it shall be lawful for the of Orange county court of Orange county to dispose of in whole or in part the lot of land on which the courthouse of the said county now stands, and apply the proceeds thereof to the purchase of another site for and the erection thereon of a new courthouse for the said county, and any building proper to be attached thereto; and the deed of the commissioners appointed for that purpose shall be sufficient to pass to the purchaser the title of the said county to the said lot, or so much thereof as may be disposed of by virtue of the authority hereby given.

Commencement.

2. This act shall be in force from its passage.

CHAP. 45.—An ACT to authorize the county court of Pittsylvania to sell and convey the title to the public grounds of said county, and to purchase a lot, and to erect public buildings thereon.

[Passed June 1, 1852.]

Preemble.

Whereas it is represented to the general assembly that after the burning of the jail for Pittsylvania county in the year one thousand eight hundred and forty-two, the court for said county, in order to obtain a safer

location for said jail, purchased of Robert Wilson a lot of ground within a convenient distance of their courthouse, and erected a commodious jail thereon, which has been used for the purpose of a jail since the period aforesaid; and whereas also it is further represented that a strip of ground lying between the said courthouse and the Main street in the town of Chatham, was private property and belonged to a certain William H. Tunstall; that by an agreement between the said court and the said Tunstall, in consideration of the said Tunstall surrendering his title to the said strip of ground, to be always held and used as a right of way, the said court would convey to him, the said Tunstall, the site of the former jail for said county; and that these conveyances had never been executed; and whereas also it is further represented that the said county court have purchased of Robert Wilson and James M. Whittle a more commodious site for a new courthouse, which they have contracted to be built on said site, which is adjoining the lot on which their new jail aforesaid is erected, and adjoining the town of Chatham; that they canatoresaid is crected, and adjoining the town of Chatham, that they can not take conveyances for said lots of ground, nor sell the present public grounds without authority of law to do so: For remedy whereof,

1. Be it enacted by the general assembly, That full power and authority Conveyance of given to the county court of Pittsylvania to take a conveyance from jail lot of Pittsylvania to take a conveyance from

Robert Wilson for a lot of ground on which they located the jail for said legalized, county in the year eighteen hundred and forty-two, for the use of said county; and that the said act of the said county court so locating the

2. That the contract of the said county court with William H. Tun-Exchange of old stall, to exchange with him the site of the former jail of said county for site of jail legalized. a strip of land to be used as a right of way between the present court-bouse of said county and the Main street in the town of Chatham, be legalized and confirmed, and that proper conveyances be made to that

3. That the said county court be authorized to accept conveyances Authority to confrom Robert Wilson and James M. Whittle, for a lot of land on which tract for new courthouse. the said court have contracted to have built a new courthouse for said Power to convey county, and that they likewise have full power and authority to sell and old public convey to the purchaser the public grounds and buildings on which their grounds and buildings on which their grounds and buildings.

present courthouse and clerk's office are erected, and apply the proceeds Courts to be held of sale for the use and benefit of said county, and that it be lawful to in new court-bold the courts of said county in said new courthouse when completed. 4. This act shall be in force from and after its passage.

Commencement.

CHAP. 46.—An ACT to authorize the county court of Surry to make sale of the gunhouse standing on the public lot of said county.

[Passed May 3, 1852.] 1. Be it enacted by the general assembly. That the county court of Gunhouse on Surry county be authorized to make sale of the gunhouse now standing public lot in Suron the public lot of said county, adjacent to the courthouse thereof, so sold. as to cause the same to be removed from said lot; and upon making Proceeds to be such sale, it shall be the duty of the court to cause the nett proceeds paid into treethereof to be paid into the public treasury.

2. This act shall be in force from its passage.

Commencement.

CHAP. 47.—An ACT providing for a site for a gunhouse at Alexandria. [Passed February 28, 1852.]

1. Be it enacted by the general assembly of Virginia, That the governor part of courtbe and he is hereby authorized to cause to be laid off and set apart, for house lot in be and he is hereby authorized to cause to be laid on and set apart, for house lot in Alexandria set a site for a gunhouse, so much and such part of the courthouse lot in apart for a guathe town of Alexandria as he may deem necessary and suitable therefor. house.

2. Be it further enacted, That the building to be erected upon said lot Building not to shall not be used or occupied for any other purposes than such as are be used for other properly connected with the care and management of the ordnance and gunhouse. their equipments which may be kept therein.

3. This act shall be in force from its passage.

Commencement

CHAP. 48.—An ACT defining the boundaries of the 125th and 133d regiments of the Virginia militia.

[Passed June 2, 1852.]

Presmble.

Whereas doubts exist respecting the true meaning of the last clause of the ninth section of the act, entitled "an act to establish the county of Upshur out of parts of the counties of Randolph, Barbour and Lewis," passed March the twenty-sixth, eighteen hundred and fifty-one: And to remove such doubts,

Bounds of 125th and 133d regi-ments of militia.

1. Be it enacted by the general assembly, That all persons residing in the county of Lewis, subject to be enrolled in the militia, shall constitute the one hundred and twenty-fifth regiment; and those persons in like manner subject to be enrolled, residing in the county of Upshur, shall constitute the one hundred and thirty-third regiment of the Virginia militia.

Commencement

2. This act shall be in force from its passage.

CHAP. 49.--An ACT to detach certain companies of the 139th regiment, and to attach them to the 107th regiment of militia.

[Passed May 22, 1852.] 1. Be it enacted by the general assembly, That the militia companies,

Captains Fansler and Shafer's companies at tached to 107th regiment.

now commanded by William L. Fansler and Jacob Shafer of the one hundred and thirty-ninth regiment, are hereby detached from that regiment, and attached to the one hundred and seventh regiment; and they shall hereafter be exempted from attending the regimental musters of the said one hundred and seventh regiment to which they are hereby attached, and in lieu thereof shall be mustered as a battalion by any field officer of How to be mustered as a battathe said regiment, on any day which the court of enquiry of the said regiment shall fix and determine; but nothing herein contained shall exempt from train empt the officers of such companies from attending the trainings of the officers of the regiment.

Officers not ex-Commencement.

2. This act shall be in force from its passage.

CHAP. 50.—An ACT explanatory of an act passed on the tenth day of March 1849, concerning the Virginia regiment of volunteers.

[Passed May 1, 1852.]

Preamble.

Whereas the act, entitled "an act concerning the Virginia regiment of ... volunteers," passed March the tenth, eighteen hundred and forty-nine. providing for the pay of volunteers from the date of their enlistment until their muster into the United States service, is liable to a construction not intended by the legislature to be placed thereon, by which construction the officers of said regiment are allowed only pay proper:

1. Be it therefore enacted by the general assembly, That the officers of

Officers of Virvolunteers, how

ginia regiment of said regiment shall be entitled to be paid according to the following rates and in the following manner: As privates, from the date of their enlistment until their election as officers, and as officers, from the date of such election until their muster into the United States service, in the same manner, and receiving the same amounts as they would have received if during the same period they had been in the service of the United States.

Sums against them on treasurer's books canceled.

2. That the sums outstanding on the books of the treasurer against the officers of said regiment be and the same are hereby canceled and released to them.

Commencement.

3. This act shall be in force from its passage.

CHAP. 51.—An ACT to amend an act passed the 29th day of March 1851, concerning volunteers.

[Passed May 19, 1852.]

Presmble.

Whereas by an act of assembly passed on the twenty-ninth day of March eighteen hundred and fifty-one, regiments of volunteers were authorized in certain cases; and whereas by an executive order, dated the first day of May one thousand eight hundred and fifty-one, the first regiment of volunteers, composed of volunteer companies attached and belonging to the nineteenth, twenty-third, thirty-third and one hundred and seventy-ninth regiments of Virginia militia, was organized; and

whereas doubts have been entertained whether the provisions of the general militia law extend to the said first regiment of volunteers; and whereas it has been represented to the general assembly that further legislation is needed to secure the ends for which the said regiment of volunteers was organized:

1. Be it exacted by the general assembly of Virginia, That in lieu of Officers exempt the training of officers and the five annual musters now required of from trainings.

Musters of first volunteer companies, there shall be two musters in every year of the first regiment of vo-regiment of volunteers: the time and place of holding which to be ascer-lenteers. tained by the board of officers provided for by the first section of chap-how fixed ter thirty-one of the Code of Virginia.

2. On the morning of each regimental muster, the commandant of Return of each company shall deliver to the commandant of the regiment a return strength, &c. of of its strength and condition, specifying the names of its members, their and how made. rank, date of service, the names of its contributing members, the species of force, and the number, quantity and description of public ordinance, ordnance stores, arms, equipments and ammunition in its possession, and when received and by what authority. Opposite each name a blank space shall be left for remarks. The said returns shall be made by the commandants of companies on honor.

3. It shall be the duty of the commandant of the regiment to cause inspection of the rolls of the several companies of his regiment to be called at each Regiment and regimental muster, by him in person, or by such officer as he shall detail for that duty, and the ordnance, ordnance stores, arms, equipments and ammunition of the said several companies shall at the same time be inspected by the said mustering officer, who shall on honor make report Report thereof. to the commandant of the regiment within ten days after every such

muster and inspection.

4. It shall be the duty of the commanding officer of the regiment, Consolidated rewithin fifteen days after the above mentioned returns shall be made to port to be made him, to furnish a consolidated report thereof to the commandant of the general. brigade to which his regiment belongs; and it is hereby made the duty Delinquents to of the officer to whom such returns and reports are directed to be made, be reported to to report to the court of enquiry next to be holden after such regimental court of enquiry. muster, any failure to comply with the requirement of this and the preceding sections.

5. There shall be annually four regimental parades independent of the Regimental paregimental musters aforesaid; upon which occasions it shall be the duty rades. of the commanding officer to exercise the regiment in such military evolutions as may secure the efficiency of the officers and men as soldiers.

The time and place of holding such parades shall be designated by the Time and place

board of officers heretofore referred to. 6. The commander in chief and the commandant of the regiment Who may order may order such other musters and parades of the regiment as may be extra parades and musters. deemed necessary by them or either of them.

7. Failure to attend any such musters or parades shall be reported by Nonattendance at the commandants of companies to the commandant of the regiment, musters and pa-who shall certify the same, together with the absent staff officers, to the ported.

succeeding court of enquiry.

8. The commandant of the regiment may appoint for his own regi- Regimental court ment a court martial, to consist of three commissioned officers, for the martial, how ap trial and punishment of any noncommissioned officer, musician or sol-stituted. dier belonging or attached thereto, for all offences not capital, and such Rules for its go-court shall be governed by the provisions of the act passed the twenty-vermment. Acts 18:0-51, pinth of March one thousand eight hundred and fifty-one, except that p. 15, 16. the junior member of such court shall be its recorder: Provided however, Recorder of That no such court martial shall have power to inflict any punishment Punishment alia violation of the laws of the state or the by-laws of said regiment.

9. For failure to perform any duty required by the second, third, Fines for failing fourth and seventh sections, the officer so failing shall be fined by the to perform dutour of enquiry, unless good cause be shewn to the contrary, not more musters and pathon them the property delicates and pathon them the property delicates and pathon for delicates and pathon to proper delicates and pathon to proper delicates and pathon for delicates and pathon for failure to according to the pathon for delicates and pathon for del than twenty dollars and not less than five dollars; for failure to attend rades. any muster, not more than five dollars nor less than two dollars; any parade, not more than three dollars nor less than one dollar.

of parades, how

laws.

Commissioned officers, how elected. Noncommissioned, how appointed. commissioned officers. Regimental by-

10. The commissioned officers of the regiment shall be elected and commissioned in the manner now prescribed by law. The noncommissioned officers of the several companies shall be appointed by the colonel, when he shall have been notified of their election by their respective Removal of non captains, and shall approve the same; and no noncommissioned officer shall be removed from office, except by the sentence of a court martial.

11. The regiment by its board of officers may adopt such by-laws for its internal government (in the same manner as volunteer companies may now do) as may be deemed necessary or proper; which said bylaws shall have a controlling influence over the by-laws of the several companies composing the same.

Fines, how coldishursed.

12. Regimental fines shall be collected in the manner now prescribed lected, paid and for the collection of militia fines, and shall be payable to the order of such officer as may be designated by the by-laws of the regiment, who shall disburse the same under the direction of the board of officers and the supervision of the commandant of the regiment.

Other regiments, when organized to be governed by act.

13. When any other regiment of volunteers shall be organized under the provisions of the act of the twenty-ninth of March one thousand eight hundred and fifty-one, it may be lawful for such regiment by its board of officers to adopt the provisions of this act within twelve months after its organization: their adoption to be certified by the commanding officer to the commander in chief.

Regiments atgades.

14. Each regiment of volunteers organized under the provisions of the act of the twenty-ninth of March one thousand eight hundred and fiftyone, shall be attached to and form part of the brigade within the bounds of which a majority of the companies composing such regiment shall reside.

Act not binding on companies out of Richmond unless adopted by them.

15. This act shall not apply to any volunteer company or companies composing the first regiment of Virginia volunteers without the limits of the city of Richmond, until the same shall have been submitted to and adopted by a majority of said company or companies.

When regi-mental by-laws to be binding.

16. The by-laws, which may be adopted by the board of officers as aforesaid, shall not have any force or effect until they shall be subscribed by a majority of the members, other than honorary members of each company; and any change, which may be made in said by-laws at any time, shall be ratified in the same manner.

Repealing clause.

17. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Commencement.

18. This act shall be in force from and after its passage.

CHAP. 52.—An ACT providing for districting the counties, the names, duties and compensation of the commissioners, and giving to the county courts the power of rearranging said districts, and changing the places for holding elections.

[Passed April 2, 1852.]

Commissioners to lay off coun-

Bounds and number of districts. Places of election, how estab-

lished.

abolished. Where voters may vote.

1. Be it enacted by the general assembly, That the persons hereinafter named as commissioners for the several counties of this commonwealth ties into districts. are hereby authorized and empowered, the majority of those named for a county being sufficient to act, to lay off their respective counties into the number of districts hereinafter provided for, as nearly equal as may he in territory and population. The said commissioners shall designate. as accurately as they conveniently can, the boundaries of said districts, They shall establish a place for opening a

and shall number the same. poll in each district for all elections in this commonwealth in which the voters in any such district shall have the right to vote, and they shall not Courthouse to be establish more than two such places for voting in any district: Provided one of the places. nevertheless, That the courthouses of the different counties shall be the places or one of the places of voting in the districts in which they may Former separate be situated. All other places for opening a poll in any election, except election precincts in towns not embraced within any such districts, are hereby abolished. But nothing herein contained shall be so construed as to preclude any voter from voting at any one of the places established under this act for opening a poll in his county, except in the election of those officers who are required to be chosen by the voters of the district for which they are elected.

2. It shall be the duty of the clerk of the house of delegates, imme-Clerk of house diately after the passage of this act, to transmit to the clerk of each of of delegates to the county courts in the commonwealth two copies of the same. Upon counties, the receipt thereof, the clerk shall make out and deliver to the sheriff of Commissioners, his county a notice to the commissioners of said county of their appoint how notified of their appoint ment, and summoning them to meet at the courthouse of their county, ment. at some time specified in the notice, not more than ten days from the date thereof; which notice shall be served by the sheriff on each of the commissioners named therein. The said commissioners shall meet at the Commissioners, time appointed, and then, or so soon thereafter as a majority of them when to meet. shall be present, they shall proceed to perform the duties herein assigned to them. They shall have power to adjourn from day to day and from Power to adplace to place until their labors are completed. A report of their final journ action, signed by a majority of them, shall, as soon as made, be returned action to be reto the clerk's office of the county court, to be by the clerk of said court corded in clerk's

3. At the last meeting of the commissioners of each county they shall Compensation of cause a statement to be made out, which shall be signed by the mem-commissioners bers present, and filed with the clerk of the county, shewing how many and surveyors. days each member of the board, and the surveyor, (if any was employed,) was actually engaged in discharging the duties imposed by this act. And the said commissioners and surveyor shall respectively be entitled to compensation for their services at the rate of two dollars per day: to be

included in and paid out of the next levy.

4. The county courts of the several counties of this commonwealth to County courts to be hereafter elected shall have power, all the justices of the county hav- change districts ing been summoned for that purpose, by an order entered of record and elections. advertised at the door of the courthouse and at each place of voting in the county for at least thirty days, and a majority of the whole number of the justices of the county concurring, to rearrange, increase or diminish the number of the districts, and change the place of holding elections and establishing other places: Provided, That the number of places for Number of places bolding elections shall not be more than two in each district, and that of elections no election under such rearrangement shall take place prior to the gene-limited. ral election of justices: And provided also, That such rearrangement Changes of disshall not take effect until it has been submitted to the voters of the county tricts to be sub-at some general election, and has received a majority of the votes cast mitted to voters. at such election.

5. The following shall be the number of districts, and the number and Number of disnames of the commissioners in each county:

6. Accomack shall be divided into six districts, and Richard P. Read, of commiss Thomas Lilliston, James R. Garrison, Custis Willis, Lewis L. Snead, Accomack. James H. Fletcher, Thomas II. Parramore, Zadoc Nock, David Wallop, William S. Horsey and Colonel James Northam shall be the commissioners for said county: Provided nevertheless, That such islands in said Island precincts county which have heretofore had election precincts shall have now each, to be preserved. one election precinct.

7. Albemarle shall be divided into ten districts, and John W. Goss, Sa-Albemarle. muel G. Burnley, Bazaleel Brown, Joseph Dettor, James Durrett, John Amended. See T. Hamner, John White, Austin M. Appling, James M. Garnett, Thomas post, c. 53. Wood and Benjamin H. Magruder shall be the commissioners for said county. And said commissioners shall have authority, whenever they Surveyor may be deem it necessary, to employ the services of the county surveyor: to be employed. How

paid for out of the county treasury.

8. Alexandria shall constitute five districts, four of which shall be Alexandria. within the limits of the city of Alexandria, and shall constitute the wards of said city, and R. Johnston, W. B. Ball, John H. Brent, Henry Mansfield, J. Buckingham, C. C. Smoot, Anthony R. Fraser, Noah Drummond, Edward P. Uptou, W. T. Harper and Wesley Carlin shall be the commissioners for said county.

9. Alleghany shall be divided into four districts, and William G. Hol- Alleghany. loway, Moses II. Mann, Andrew Fudge, John H. Hansbarger, George Stull, junior, William Booth and Samuel Kean shall be the commissioners for said county.

of commission-

Bath.

10. Bath shall be divided into four districts, and Alexander McClintic, Thomas Sitlington, George Mayse, John Cleek, senior, William McClintic, junior, Stephen A. Porter and Peter Lightner shall be the commissioners for said county.

Amelia.

11. Amelia shall be divided into five districts, and Egbert G. Leigh. Chastain Sadler, Doctor Richard F. Taylor, Joseph M. Scott, John Wingo, Matthew Allen, Peter F. Boisseau, William C. Gregory, John W. Foster, Doctor William H. Robertson and William Green shall be the commissioners for said county.

Nottoway.

12. Nottoway shall be divided into four districts, and John H. Knight, junior, Travis H. Eppes, Newton Harper, R. B. Eggleston, Richard Irby, George A. Cralle, Repps Connally, Robert Niblett and William R. Jennings shall be the commissioners for said county.

Amherst.

13. Amherst shall be divided into five districts, and James Powell, John L. Turner, Wyatt Pettyjohn, Richard Powell, Edwin L. Shelton, Calvin Bennett, Thomas Goodwin, Charles H. Rucker, Samuel C. Gibson, Joseph Coleman and John W. Broadus shall be the commissioners for said county.

Appomattox.

14. Appomattox shall be divided into five districts, and Benjamin Abbitt, Fielding Jones, John A. Shearer, Jesse Jennings, Benjamin S. Morris, Lawrence Anderson, David A. Plunkett. William Paris and John H. Davidson shall be the commissioners for said county.

15. Augusta shall be divided into nine districts, of which the town of

Augusta. Amended. Post, Staunton shall be one; and Colonel William A. Bell, Doctor C. R. Harc. 54.

ris, John Crawford, William Beard, Joshua H. Evans, Nathaniel Massie, Samuel F. Christian, John Newton, Jacob Baylor, Doctor John McChesney and Porterfield A. Heiskell shall be the commissioners for said county, Surveyor may be and may, if necessary, call to their aid the county surveyor, who shall be paid for his services out of the county treasury. The justices residing Staunton justices in the town of Staunton shall not form part of a court to appropriate

employed, how not to form part money out of the county treasury or to impose county levies. of court for appropriations or levica. Barbour.

16. Barbour shall be divided into five districts, and Henry Wilson, John Harris, Jacob Teter, Jacob Reger, John C. Radcliff, John Robison, James D. Hall, Harrison J. Murphy, Jacob Sturm, John Koontz and James H. Prim shall be the commissioners for said county.

Redford.

17. Bedford shall be divided into nine districts, and P. M. Wright, John Board, Lewis C. Arthur, Robert N. Kelso, Pleasant Preston, George P. Luck, William T. Campbell, Granville L. Brown, Robert L. Coleman, Samuel Hobson and Theophilus Scruggs shall be the commissioners for said county.

Berkeley.

18. Berkeley shall be divided into eight districts, and Henry J. Seibert, Daniel H. Doll, Lewis Fry, Robert K. Robinson, James L. Cunniugham, William T. Snodgrass, George W. Hollida, George H. McClure. Richard D. Seaman, John Zorn and George McKown shall be the commissioners for said county.

Botetourt.

19. Botetourt shall be divided into five districts, and John B. Ferrel, Charles T. Beale, William D. Couch, Madison Gilmore, James McDowell, George McDonald, Charles Aunspaugh, Joseph Hannah, Colonel Daniel Ammen, Thomas Engart and John A. McClure shall be the commissioners for said county.

Craig.

20. Craig shall be divided into three districts, and Daniel Hutchinson, John Miller, Lewis E. Reynolds, John Spessard, senior, Jacob Hammond, William Scott and Samuel Watkins shall be the commissioners for said county.

Braxton

21. Braxton shall be divided into five districts, and Marshall Triplett, James G. McCoy, Andrew P. Friend, John S. Camden, Felix Sutton, N. D. Barnett, Thomas Saulsberry, George D. Mollahan, Joel Yancey and William P. Haymond shall be the commissioners for said county.

Nicholas.

22. Nicholas shall be divided into four districts, and Bernard Hendrick, E. C. Trent, Edward Campbell. Benjamin C. Morris, William King, John Given, Kyle Bright, John W. Jones, John Groves, senior, Henry Jones and James McLaughlin shall be the commissioners for said county.

Brooke.

23. Brooke shall be divided into four districts, and Joseph Brown, Eli Green, Nathaniel Rives, John Miller, William Jones, William White, Nathaniel Hunter, Robert Marchland, Lewis Browning, Nicholas Stansbury and Jacob Stevens shall be the commissioners for said county.

24. Hancock shall be divided into four districts, and John C. Camp-Hancock. bell, James Campbell, Alexander Morrow, Thomas Bambrick, Thomas Elder, Joseph Ball, John Hudson, Jonathan Allison, John Gardner, John Brown and Thomas Hewett shall be the commissioners for said county.

25. Brunswick shall be divided into seven districts, and Francis F. Brunswick. Jones, John P. Atkinson, Ira Connelly, Isham Trotter, Burwell B. Wilkes, Henry Lewis, John R. Jones, John S. Harris, George W. Harrison, James P. Harrison and Willie J. Hobbs shall be the commissioners

for said county.

26. Buckingham shall be divided into six districts, and Thomas M. Buckingham. Bondurant, Joseph Fuqua, William II. Perkins, Robert T. Hubard, C. L. Christian, W. W. Forbes, William M. Moseley, Clifford Cabell, J. M. Patterson, John J. Gilliam and John C. Turner shall be the commissioners for said county.

27. Cabell shall be divided into five districts, and John W. Hite, F. Cabell. G. L. Beuhring, Solomon Midkiff, Jeremiah Witcher, Daniel Love, George W. Summers, Charles Lattin, Frederick Miller, John Morris, John B. McGinnis and Solomon Thornburg shall be the commissioners

for said county.

22. Campbell shall be divided into eight districts, of which the town Campbell. of Lynchburg shall be one, and Alexander Austin, William Organ, Richard Perkins, senior, Moses Arnold, Glover D. Gilliam, Thomas W. Jones, Littleton Leftwich, Oden G. Clay, Henry J. Brown, Robert H. Walthall and Allen L. Wyllie shall be the commissioners for said county. The justices residing in the town of Lynchburg shall not form part of Lynchburg justiness residing in the town of Lynchburg shall not form part of court for part levies.

29. Caroline shall be divided into five districts, and Francis W. Scott, or levies. Dabney W. Waller, Charles W. Blanton, Wesley Wright, Lewis M. Caroline. George, John Goodwin, James E. Dickenson, Richard H. Garrett, Robert B. Tunstall, John Anderson, William D. Quesenberry shall be the

commissioners for said county.

30. Carroll shall be divided into four districts, and Andrew Cocke, Carroll William R. Bobbitt, John Webb, Levi Montgomery and Robert C.

Johnston shall be the commissioners for said county.

31. Charles City shall be divided into four districts, and Lycurgus A. Charles City. Lamb, William H. A. Southall, James H. Christian, John W. Jones, John T. Holt, Austin H. Ferguson, George Walker, Robert C. Wells, O. A. Crenshaw, Edward H. Poindexter and John J. Clarke shall be the commissioners for said county.

32. James City shall be divided into three districts, and Richard C. James City. Wynne, George Blow, Upton M. Spencer, Henly T. Jones, Richardson Henly, Nathaniel Piggott, Alexander Hankins, William Martin, George Hankins, William Bush and George E. Geddy shall be the commission-

ers for said county.

33. New Kent shall be divided into four districts, and William R. Sa-New Kent. vage, Beverly P. Crump, Edmund F. Christian, David S. M. Crump, John C. Apperson, Henry D. Vaiden, James Richardson, Philemon C. Jones, John Slater, Thomas B. Shearman and Ira L. Bowles shall be the commissioners for said county.

34. Charlotte shall be divided into six districts, and Wyatt Cardwell, Charlotte. Winslow Robinson, H. H. Marshall, Richard J. Gaines, Joseph R. Bailey, Boyle H. Barnes, J. C. Carrington, Hillary Moseley, J. B. Rice, Thomas Pugh and James Garden shall be the commissioners for said

county.

35. Chesterfield shall be divided into six districts, and Samuel Han-Chesterfield. cock, Alexander Sims, Blackman Cheatham, Daniel B. Hancock, McD. Ianson, William Ambers, James C. Howlett, Richard L. Jones, John S. Peers, W. W. Day and Nelson Gregory shall be the commissioners for said county.

Clarke.

36. Clarke shall be divided into four districts, and Francis McCormick, J. J. Fauntlerov, Buckner Ashby, J. J. Jenney, George L. Kcrfoot, John Louthan, Alfred Castleman, R. K. Meade, Nelson Collier, H. M. Grigsby and Robert C. Randolph shall be the commissioners for said county.

Colpener.

37. Culpeper shall be divided into six districts, and Thomas Hill, Thomas I. Griffin, Thomas G. Gibson, Abner Hudson and Conway Spillman Surveyor may be shall be the commissioners for said county; and the said commissioners

employed.

shall have authority, whenever they deem it necessary, to employ the services of the county surveyor: to be paid for out of the county treasury.

38. Cumberland shall be divided into four districts, and Leonard D.

How paid. Comberland.

Spears, W. W. Wilson, Robert Henderson, Ambrose Ford, Horace A. Talley, Thomas L. Robinson, I. I. Scott, William Miller, Rowland W. Foster, Thomas Page and John Hendrick shall be the commissioners for said county.

Powhatan.

39. Powhatan shall be divided into four districts, and William Ligon, William C. Scott, Thomas Brown, Abner Crump, Zachariah Moman, Edward F. Baugh, Richard I. Gilliam, Chastain Porter, George N. Porter, Charles Selden and Peter I. Haskins shall be the commissioners for said county.

Dinwiddie.

40. Dinwiddie shall be divided into seven districts, and William H. Goodwyn, C. P. Beville, Benjamin B. Vaughan, Albert Dabney, John J. Crawford, James W. Davis, William L. Hobbs, F. M. Sutherland and Green Hill shall be the commissioners for said county.

Doddridge.

41. Doddridge shall be divided into four districts, and Ephraim Bee, William F. Randolph, Franklin Maxwell, Daniel Sherwood, Israel Allen, John H. McGee, Luke Jaco, David D. Davis and Lewis S. Davis shall be the commissioners for said county.

Tyler.

42. Tyler shall be divided into four districts, and John C. Beaty, Charles P. McCoy, William Keller, Absalom George, Thomas W. Henderson, Benjamin F. Morgan, Friend Cochran, Isaac Holmes, John Ireland and John Bullman, junior, shall be the commissioners for said county.

Elizabeth City.

S. Giddings, Christopher Hubbard, Cary S. Jones, Charles L. Collier, George Bocher, John Jones, Baker P. Lee, Jefferson B. Sinclair, William Anderson and James Powell shall be the commissioners for said county. 44. Warwick shall be divided into three districts, and William Lee, Wil-

43. Elizabeth City shall be divided into three districts, and Nathaniel

Warwick.

liam G. Young, Daniel P. Curtis, William S. Jones. Humphrey Harwood, Gawin L. Corbin, Simon P. Whitaker, Hinde R. D. Brown and Richard D. Lee shall be the commissioners for said county.

York.

45. York shall be divided into three districts, and Daniel Carmines, James Sclater, Hinde Holloway, William Howard, John A. Jones, Richard L. Farinholt, Robert H. Power, William H. Shield, John R. Coupland, Matthew P. Waller and John D. Claiborne shall be the commissioners for said county.

Essex.

46. Essex shall be divided into five districts, and Warner Lewis, William A. Wright, Leonard P. Sole, Thomas J. Hundley, Alfred H. Garnett, Edward M. Ware. Edward L. Wright, William L. Brook, Leonard Henley, Rufus Reynolds and William Blackburn shall be the commissioners for said county.

King & Queen.

47. King & Queen shall be divided into five districts, and David P. Wright, Washington Skelton. James Smith, William B. Davis, Richard Bagby, John W. Street, Thomas W. Garrett, Beverly B. Roy, Robert Bland, Thomas Caw and Roderick Bland shall be the commissioners for said county.

Fairfax.

48. Fairfax shall be divided into six districts, and James Hunter, Edward Sangster, Richard C. Mason, Colonel Silas Burke, Francis E. Johnston, James A. Evans, James Coleman, A. Lawrence Foster, Amsie Coe, John H. Gargis and Francis E. Davis shall be the commissioners for said county.

Fauquier.

49. Fauquier shall be divided into nine districts, and James K. Marshall, T. M. Hirst, Joseph Blackwell Smith, Alfred Reid, senior, Henry T. Fant, John G. Beale, Isham Keith, John M. Fant, John Walden, Charles Hunton and William H. Page shall be the commissioners for said county.

50. Fayette shall be divided into four districts, and James B. Muncey, Fayette. Adam Hutchinson, Robert McCutcheon, William Carnafix, Francis Tyree, James Kincaid, John Rhodes, Joseph W. Pryor and William

Blake, junior, shall be the commissioners for said county.

51. Raleigh shall be divided into three districts, and James Goodall, Raleigh. Robert Scott, Samuel L. Richmond, Robert Warden, Cyrus Snuffer, Lucien B. Davis, John T. Sarratt. Benjamin Linkous and John Stover shall be the commissioners for said county.

52. Floyd shall be divided into five districts, and Joseph L. Howard, Floyd. Thomas Banks, Bryant Hylton, Thomas Simmons and Samuel Helms

shall be the commissioners for said county.

53. Fluvanna shall be divided into six districts, and William C. Fluvenna. Adms. Niel B. Gay, B. M. Jones, D. W. K. Bowles, William L. Clark, William Tompkins, Joseph S. Perkins, George P. Holeman and William W. Woods shall be the commissioners for said county.

54. Franklin shall be divided into nine districts, and Colonel Robert Franklin. T. Woods, Thomas S. Keen, Hiram Tyree, Peyton Stanley, George Prilliman. Peter Cannaday, John C. Carper, George Naff, John D. Taylor. Matthew R. Allen and James Robertson (near Union Hall) shall be the commissioners for said county.

55. Frederick shall be divided into eight districts, and John Bruce, J. Frederick. W. Mason, R. M. Syduor, William Eddy, Jacob Richard, Samuel Smith, Jacob Hieronemus, M. S. Lovett, William H. Gold, H. F. Baker and Joseph E. Paine shall be the commissioners for said county.

56. Giles shall be divided into four districts, and Madison Allen, Jo-Gles. web A. Peck, James Adair, William B. Mason and William Hale, sur-

vevor, shall be the commissioners for said county.

57. Gilmer shall be divided into five districts, and Joseph Knotts, Gilmer. Michael Stump, Alexander Hoffman, Absalom S. Stout, John E. Hays, Hugh McQuain, junior, and William G. Bennett shall be the commissioners for said county.

58. Wirt shall be divided into four districts, and Alfred Fought, Wirt. Samuel Shepherd, Castillo Rathbone, James A. Williamson, John P. Thomason, Robert P. Steed and William E. Lockhart shall be the com-

missioners for said county.

59. Gloucester shall be divided into four districts, and M. Boswell Gloucester. Seawell, Warner T. Jones, Fielding L. Taylor, Joel Hayes, senior, Charles W. Montague, Ralph Rowe, Alexander G. Taliaferro, Josiah L. Deans, Samuel Medlicotte, Thomas B. Booth and Edwin Broaddus shall be the commissioners for said county.

60. Goochland shall be divided into five districts, and Colonel John M. Goochland. Trevilian. John Woodson, Charles Guerraut, Benjamin Anderson, George Mayo, Doctor Stapleton Coates, Hugh N. Ragland, Major James Poor, Martin James, Robert G. Parrish and James W. Logan

shall be commissioners for said county.

61. Grayson shall be divided into five districts, and William Young, Grayson. Isham Cox, Dennis Fielder, Ephraim Gentry, William Grubh, Andrew Roberson, Stephen B. Cornett, William B. Hale and Isaac Weaver shall be the commissioners for said county.

©. Greenbrier shall be divided into six districts, and Samuel McClung, Greenbrier. John B. Caldwell, James Janett, senior, Harvey Handley, Benjamin F. Renick, Edward E. Crane, James Lovel, Alexander W. Arbuckle, Thomas M. McClintic, John George and Andrew C. Humphries shall be

the commissioners for said county.

63. Greene shall be divided into four districts, and Benjamin Herndon, Greene. Anthony Thornton, Thomas J. D. Eddins, James McMullen, George W. Shearman, Richardson Mills, James Simms, Granville Kenada, William Chapman, James Beasley, senior, and John F. Early shall be the commissioners for said county.

64. Orange shall be divided into five districts, and Robert H. Brook-Orange. ing. senior, Joseph Williams, Robert Thomas, Reuben Newman, junior, John Willis. Joseph Hiden, Elkanor Rowe, Richard Richards, senior, John A. Porter, Benjamin Walker, William D. Clarke and George Mor-

ton shall be the commissioners for said county.

Greenesville.

65. Greenesville shall be divided into four districts, and Oris A. Brown, B. R. Wilson, Ira E. Wyche, Tomlin Avent, Mordecai Jones, James Cook, T. F. Jones, Ed. P. Scott and George Field shall be Surveyor may be the commissioners for said county; and the said commissioners shall have authority, whenever they deem it necessary, to employ the services

employed.

How paid.

of the county surveyor: to be paid for out of the county treasury.

66. Sussex shall be divided into six districts, and Nathaniel L. Raines, William H. Pegram, George Field, Joseph W. Mason, Jesse Hargrave, William D. Taylor, T. D. Brown, J. T. J. Mason, William N. Jarrett

employed.

Surveyor may be and J. H. Mangram shall be the commissioners for said county; and the said commissioners shall have authority, whenever they deem it necessary, to employ the services of the county surveyor: to be paid for out

How paid. Halifax.

Sussex.

of the county treasury. 67. Halifax shall be divided into nine districts, and John R. Edmunds, William L. Owen, Samuel B. Major, George P. Richardson, Bird L. Ferrell, Robert Faulkner, William A. Wilkins, William Penick, Beverly R. Fleming, Robert Jennings and John Miller shall be the commissioners for said county.

Hampshire.

68. Hampshire shall be divided into nine districts, and William Vance, Nathaniel Kuykendall, John Ward, John M. Pancake, Daniel Keller, Silas Milleson, Samuel H. Yonley, Abraham Emmet and Samuel Milleslagle shall be the commissioners for said county.

. Hanover.

69. Hanover shall be divided into six districts, and Lancelot Philips, Cha's Higgason, Ed. W. Morris, Lemuel Vaughan, Ed. M. Tompkins, Doctor E. L. Nelson, Lewis W. Taliaferro, William T. H. Pollard, John H. Earnest, John S. Atkinson and William B. Sydnor shall be the commissioners for said county.

Hardy.

70. Hardy shall be divided into six districts, and Isaac V. Seymour, Gabriel Fox, George Harper, James S. Miles, Isaac Chrisman, Solomon Michael, George Cline, Noah Clevenger, Archibald Walton and Gabriel T. Barbee shall be the commissioners for said county.

Harrison.

71. Harrison shall be divided into five districts, and Cyrus Vance, Luther Haymond, Samuel Hoff, Lemuel D. Shinn, William R. Bennett, Abia Minor, Byron J. Bassel, David C. Coplin, James McCally and Phineas Randolph shall be commissioners for said county.

Henrico. Amended. post, c. 55.

72. Henrico, without the limits of the city of Richmond, shall be divided into four districts, and David W. Haxall, Thomas O. Burton, Francis Staples, Samuel T. Hulce, Daniel E. Gardner, Garland Hanes, Thomas J. West, Albert Aikin, William D. Jennings, Williamson Allen and John M. Botts shall be the commissioners for said county.

Henry.

73. Henry shall be divided into six districts, and Colonel Joseph Martin, G. A. Rale, Colonel John T. Hairston, Hugh Dyer, James Smith, senior, and Samuel Hairston shall be the commissioners for said county.

Highland. Amended. post, c. 55.

74. Highland shall be divided into four districts, and Samuel Ruckman, Andrew H. Byrd, Joseph Layne, Josiah Hiner, John Jones, Benjamin Flesher and Jacob Newman shall be the commissioners for said county.

Isle of Wight.

75. Isle of Wight shall be divided into five districts, and George W. Carroll, Joseph B. Whitehead, James C. Jordan, James Gray, Doctor R. A. Urquhart, Irvine W. Duck, Augustus Ballard, John M. Holland, Josiah Ely, Mills W. Darden and Doctor A. G. Boykin shall be the commissioners for said county.

Jackson.

76. Jackson shall be divided into five districts, and William Cunningham, William B. McMann, Jonathan Hyers, Robert Parke, George W. Smith, Andrew Flesher, Joseph Bennett, William Hicks and Peter Click shall be the commissioners for said county.

Jefferson. Amended. post, c. 56.

77. Jefferson shall be divided into seven districts, and William Lucas, Alexander R. Boteler, John Strider, David Fry, George B. Beall, James D. Gibson, James Burr, James L. Hooff, John C. R. Taylor, John Moler and Joseph Smith shall be the commissioners for said county.

Kanawha.

78. Kanawha shall be divided into eight districts, and Felix G. Hansford, John Warth, Charles Hedrich, Joel Ruffner, Francis Thompson, Allen M. Smith, Solomon Altz, James Atkison and Abel P. Sennett shall be the commissioners for said county.

79. King George shall be divided into three districts, and C. Turner, King George. James Arnold, William Coakley, William Bruce, Reuben Bullard, A.B. Price and W. R. Mason shall be the commissioners for said county.

80. Stafford shall be divided into four districts, and John Moncure, Smelord. James Morton, W. P. Conway, James Monteith, William Barbour, Robert Hickerson, John Edgington, James Tolson and Robert Cropp shall

be the commissioners for said county.

81. King William shall be divided into four districts, and James Roane, King William.

S. P. Tignor, G. R. Trant, Josiah Burruss, R. R. Turner, John Cardwell, J. B. Edwards, G. W. Quarles, W. P. Braxton, S. Lipscomb, junior, and T. B. Littlepage shall be the commissioners for said county.

82. Lancaster shall be divided into four districts, and John Chowning, Lancaster. Samuel C. Tapscott, R. B. Mitchell, senior, T. D. Eubank, Samuel Gresham, Benjamin Waddy, B. M. Walker, Addison Hall, J. W. Gresham, Octavius Lawson and William P. Harcum shall be the commis-

sioners for said county.

83. Northumberland shall be divided into four districts, and Thomas Northumberland. S. Lyell, Robert Henderson, Dandridge Cox, William Harding, T. S. Sydnor, J. H. Fallin, Walter Rice, William B. Hudnall, Edwin Brown, Cyrus Harding and R. W. Carter shall be the commissioners for said county.

84. Lee shall be divided into seven districts, and Henderson Horton, Lee. Jonathan Richmond, David Young, John Laramer, Isaac Robinet, M. B. D. Lane, Joshua Ewing, John Colson, Lorin K. Tyler, William E. N. Mark and Levi Pennington shall be the commissioners for said county.

85. Scott shall be divided into seven districts, and Thomas Rogers, Scott. junior, William Horton, (Rycove,) Simon Stare, Archibald Forgy, William H. Morison, James Wood, (of Jonathan,) Solomon Ausborn, Robert Horton, senior, Stephen Aperson, John Fraisure and John Daugherty, esquire, shall be the commissioners for said county.

86. Lewis shall be divided into four districts, and Minter Baily, Alex-Lewis. ander S. Withers, Jesse Woofter, William J. Bland, Jesse Bouse, Robert Crawford, junior, Jacob J. Jackson, William J. Baily, William Morrison. Jacob Bott and Jacob Lorentz, junior, shall be the commissioners

for said county.

87. Logan shall be divided into five districts, and Anthony Lawson, Logan. William W. Bailey, Reace Browning, Benjamin Williamson and James

D. Perry shall be the commissioners for said county.

88. Boone shall be divided into four districts, and Edward Pate, Jo-Boone. seph Barrett, Joseph Workman, John Atkins and Samuel Hunter shall

be the commissioners for said county.

89. Wyoming shall be divided into three districts, and David Cook, Wyoming. Lain Shannon, Abel Duncan, William McDonald and Wyatt Stratton shall be the commissioners for said county; and said commissioners for surveyor may be each of the counties of Logan, Boone and Wyoming shall have autho- cmployed. How rity, whenever they deem it necessary, to employ the services of the county surveyor of each of said counties: to be paid out of the county treasury respectively.

90. Louisa shall be divided into eight districts, and David Richardson, Louisa. Colonel William Crawford, Jonathan T. Cowherd, John R. Quarles, Colonel Clayton G. Coleman, Doctor Archibald Anderson, John L. Collins, Doctor William A. Galispie, Philip H. Jones, Charles B. Hopkins

and Micajah Parish shall be the commissioners for said county.

91. Loudoun shall be divided into ten districts, and John M. Orr, Ed-Loudoun. ward Hammatt, William Williams, Joshua White, Asa Rogers, Theodorick Leith, T. V. B. Osburn, Samuel Purcell, James Grubb, John H. White and John I. Coleman shall be the commissioners for said county; and said commissioners shall have authority, whenever they deem it ne-Surveyor may be cessary, to employ the services of the county surveyor: to be paid for employed. How out of the county treasury.

92. Lunenburg shall be divided into six districts, and Brooken Elder, Lunenburg. James L. Scoggin, Robert A. Allen, Upton Edmundson, Frederick Lester, Henry Stokes, T. W. Knight, M. L. Spencer, G. A. Wood, Clement J. Thompson and James Neal shall be the commissioners for said

county.

Madison.

93. Madison shall be divided into four districts, and General Robert A. Banks, Hiram Yager, Colonel James W. Walker, Colonel Nathaniel J. Welch, William Walker, senior, Major Thomas Allen, Joseph M. Fray, Joseph Miller, George M. Bohanon, James Yowel, senior, and Captain Andrew Carpenter shall be the commissioners for said county.

Marion

94. Marion shall be divided into seven districts, and Colonel Austin Merrill, Benjamin Fleming, George M. Ryan, Zebulon Musgrave, William Vangilder, Elijah Ross, John Conway, Jacob Streight, (of Peter.) Aaron Hawkins, James Beaty and Caleb Davis, (of Daniel.) shall be the commissioners for said county.

Matthews.

95. Matthews shall be divided into three districts, and William Shultice, William H. Roy, John II. Blake, Houlder Hudgins, William S. Thurston, William M. Brownley, John R. Billups, John Jarvis, Robert Sibley, Thomas Smith and Thomas W. Hundley shall be the commissioners for said county.

Middlesex.

96. Middlesex shall be divided into three districts, and Thomas B. Evans, Walter Healy, Zachariah Street, Lewis B. Seaward, Thomas Jones, Robert Healy, senior, Holland Walker, Andrew Stiff, William S. Blackburn, John W. Callis and John D. Berry shall be the commissioners for said county.

Mecklenburg.

97. Mecklenburg shall be divided into eight districts, and Colonel Lidwell Bacon, Thomas Reecks, junior, Cephas H. Pettus, Doctor Edward Towns, Captain R. Y. Overby, Robert Andrews, John M. Wright. Speed Moss, Benjamin Rogers, Robert Joyce and Charles Edmunson shall be the commissioners for said county.

Mercer.

98. Mercer shall be divided into five districts, and Robert Hall, (surveyor,) Syms Thompson, N. B. French, Elijah Bailey, William Meadows, Elliott Vawter and Benjamin McNutt shall be the commissioners for said county.

Monongalia.

99. Monongalia shall be divided into seven districts, and William Lantz, N. Pickenpaugh, General E. S. Pindall, Thomas Meredith, Alpheus Stuart, William Haines and William Price shall be the commissioners for said county.

Monroe.

100. Monroe shall be divided into seven districts, and A. A. Chapman, Colonel Isaac Campbell, John Clark, James M. Haynes, Wilson Lively, James M. Byrnside and James Vawter, (surveyor,) shall be the commissioners for said county.

Marshall.

101. Marshall shall be divided into eight districts, and Thomas Pollock, Samuel Venus, Wellington Jenney, James Burley, Samuel Dorsey, James Campbell, John Martin and John H. Dickey shall be the commissioners for said county.

Mason.

102. Mason shall be divided into five districts, and William N. Jordan, Charles Clendenen, William George, Nathan Smith, Thomas G. Hogg, Samuel Smith, Joseph Yeager, Thomas Dunn and Absalom Q. Sayre shall be the commissioners for said county.

Montgomery.

103. Montgomery shall be divided into five districts, and James R. Kent, William Smith, Hugh Crockett, Edward McDonald, John B. Radford, Edwin J. Amiss, Thomas H. Barnes, John Lawrence and Charles B. Gardner shall be the commissioners for said county.

Morgan.

104. Morgan shall be divided into four districts, and Charles A. Swann, Jacob Courtney, John O. Ferrall, Charles Green, Isaiah Buck, Jacob Huff, Isaac Baker, Thomas Dawson and Washington Unger shall be the commissioners for said county.

105. Nansemond shall be divided into five districts, and Nathaniel Riddick, Richard H. Riddick, junior, John H. Darden, H. L. Eppes, Caleb Savage, Arthur E. Hall, William W. Wright, John R. Copeland, James Barnes, Justin Rawls and John W. Ames shall be the commis-

Nansemond.

sioners for said county.

106. Nelson shall be divided into six districts, and William A. Payne, James S. Penn, General William S. Loving, Colonel James Dillard, William Massie. Charles N. Patterson, William P. Shepherd, Henry G. Roberts, Richard H. Coleman, James M. Harris and John B. Coles shall be the commissioners for said county.

Nelson.

107. Norfolk county shall be divided into eight districts, two of which Norfolk. shall be within the town of Portsmouth, and shall constitute the two Wards of Portswards of said town, and General John Hodges, Morris L. Tabb, Max mouth. Herbert, Nathaniel Portlock, John Foreman, George F. Outten, George T. Wallace, John R. White, James G. Hodges, John S. Wise and Wil-

liam Herron shall be the commissioners for said county.

108. Northampton shall be divided into three districts, and George Northampton. Brickhouse, John Tankard, Doctor John Wilkins, General Smith Nottingham, Egbert G. Bayly, Robert C. Jacob, Benjamin J. Dalby, Doctor Thomas J. L. L. Nottingham, James Saunders, Thomas Downs and Thomas K. Dunton shall be the commissioners for said county.

109. Ohio shall be divided into eight districts, and Zachariah Jacob, Ohio. John Knote, Thomas M. Gally, Lloyd G. Hughes, Lewis Steenrod, David Armstrong, Samuel Kimmons, Greenberry D. Bonar, Daniel V. Tharp, John McLure, junior, and William B. Curtis shall be the com-

missioners for said county.

110. Page shall be divided into four districts, and James Kite, David Page. M. Dovel, Philip Long, Paschal Graves, Jacob C. Kite, Major Benjamin Strickler, Charles II. Flinn, Mann Almond, Reuben P. Bell, Peter Keyser and Samuel Judd shall be the commissioners for said county.

111. Patrick shall be divided into six districts, and George W. Con-Patrick.

ner, Colonel Crawford Turner, Samuel W. Hairston, John Prunty, Edward Tatum, Absalom Scales, Fowlkes G. Smith, Colonel John G. Lee,

Martin Cloud, Nathaniel H. Scales and Jefferson Lawson shall be the commissioners for said county.

112. Pendleton shall be divided into six districts, and Benjamin Hiner, Pendleton. William McCoy, Jacob F. Johnson, Jacob Claytor, junior, Harry F. Temple, William Trumbo, Colonel Wellington Hollen, Captain Joseph Lantz, John E. Wilson, George Siples and Aaron Boggs shall be the

commissioners for said county.

113. Pittsylvania, without the limits of the town of Danville, shall be Pittsylvania. divided into eleven districts, and Daniel Coleman, senior, Leonard Clai-Cluded. borne, George A. Edwards, James L. Poindexter, Madison M. Millnor, William W. Kean, John L. White, John D. Hunt, Thompson Robertson, Vincent O. Witcher and Henry W. Barksdale shall be the commissioners for said county.

114. Pleasants shall be divided into three districts, and Alexander H. Pleasants. Creel, S. S. Maxwell, Giles Hammet, Thomas Brouse, Abner Martin, James Ruckman, John K. Prince, Enoch S. Haddon, Nathan Morgan, Hiram Doak and Samuel Hammet shall be the commissioners for said county.

115. Ritchie shall be divided into four districts, and Alexander Low-Ritchie. ther, junior, William Hall, Timothy Tharp, Purviance Murphy, Edward Skelton, William McGregor, Elias Marsh, William Patton, J. W. Corbin, James Martin and John Culp shall be the commissioners for said

county.

116. Pocahontas shall be divided into four districts, and George Ed-Pocahontas. miston, Abram Hill, Hugh McLaughlin, (little,) William Cochran, Solomon Arbogast and William Lightner shall be the commissioners for said

117. Preston shall be divided into eight districts, and John J. Hamil- Preston. ton, Chas. Hooton, D. C. Miles, Samuel R. Trowbridge, John J. Brown, Thomas Gregg, Harrison Hagan, William Conner, John Shafer, Benjamin Shaw and John Feathers shall be the commissioners for said county.

118. Prince Edward shall be divided into five districts, and Branch J. Prince Edward. Worsham, S. O. Southall, Benjamin W. Womack, William T. Wootton, Newton Cunningham, Thomas E. Perkinson, Joseph Philips. Joel Elam, Joseph E. Venable, Edward F. Booker and Francis T. Wootton shall be the commissioners for said county.

119. Prince George shall be divided into five districts, and Timothy Prince George. Rives, Richard H. Williams, William E. Proctor, William Gee, Williamson Simmons, M. W. Raney, Alfred Butts, Theo. Bland, C. Proctor, James S. Gee and Henry T. Bryant shall be the commissioners for said county.

Surry.

120. Surry shall be divided into four districts, and Edwin White, Peter T. Spratley, J. S. Clarke, William Dillard, W. S. Booth, William Edwards, Francis Ruffin, senior, J. Algernon Graves, Jacob Faulcon, William Hankins and Robert Taylor shall be commissioners for said county.

Princess Anne.

121. Princess Anne shall be divided into five districts, and Edward H. Herbert, Jonathan Hunter, John H. Day, Davidton Morris, Horatio Cornick, Malachi Reid, Charles Brock, Moses Cason, Smallwood Thompson, John B. Shipp and Wilson H. C. Lovett shall be the commissioners for said county.

Prince William.

122. Prince William shall be divided into four districts, and Benjamin Johnson, Basil Brawner, S. Lynn, B. E. Harrison, R. W. Wheat and B. F. Lewis shall be the commissioners for said county.

Pulaski.

123. Pulaski shall be divided into four districts, and David G. Shiphard, John G. Cecil, Joseph Cloyd, James N. Pierce and Robert M. Craig shall be the commissioners for said county.

Putnam.

124. Putnam shall be divided into five districts, and Talleyrand P. Brown, Nelson Handley, Robert M. Simms, Dudley S. Montague, John Harrison, John B. Crawford, John Dudding, Robert Hall, Samuel T. Wiatt, Henry O. Carter and Vincent R. Rust shall be the commissioners for said county.

Randolph.

125. Randolph shall be divided into seven districts, and Jacob Conrad, Charles C. See, Absalom Crawford, John J. Chenoweth, John M. Pharris, Washington J. Long, John W. Stalnaker, George H. Long, William Ewens, Francis D. Tolbott and Jesse L. Roy shall be the commissioners for said county.

Rappahannock,

126. Rappahannock shall be divided into five districts, and Lewis C. Botts, Marcus Cooper, John W. Miller, Judson Browning, Lawson Eastham, Robert M. Heterick, Edwin A. Cropp, Thomas Deatherage, Robert Jordan, Winterton Murphy and James H. Myers shall be the commissioners for said county.

Richmond county.

127. Richmond county shall be divided into four districts, and William H. Tayloe, John W. Belfield, John C. Mitchell, Solomon S. Hult, John S. Braxton, Lyne Shackelford, Seth Rockwell, Richard H. Lyell, James L. Lampkin, Thomas Oldham and William Webb shall be the commissioners for said county.

Westmoreland.

128. Westmoreland shall be divided into four districts, and George W. Lewis, John W. Hungerford, Thomas R. Ditty, Joseph Lyell, Hanibal Chandler, John Brockenbrough, William W. Brown, David B. Taylor, Robert Mayo, Richard L. T. Beale and Henry Beale shall be the commissioners for said county.

Roanoke.

129. Ronnoke shall be divided into four districts, and James Kyle, Elias Thomas, Powell II. Huff, Joseph Pritchard and Lewis Zirkle shall be the commissioners for said county.

Rockbridge.

130. Rockbridge shall be divided into seven districts, and D. S. Morgan, Thomas Wilson, James F. Harper, William P. Rogers, William H. Bell, Robert Sterret, William Gold, Harvey Risk, Cyrus Morrison, James G. Paxton and Samuel McDowell Moore shall be the commissioners for said county.

Rockingham.

131. Rockingham shall be divided into nine districts, and Erasmus Coffman, Peter Roller, John G. Brown, F. Milton Irvine, William G. Thompson, Jacob Trumbo, Addison Harper, John M. R. Sprinkel, Asher Argabright, Joseph Mauzy and Henry B. Harnsberger shall be the commissioners for said county.

Russell.

132. Russell shall be divided into eight districts, and Albert G. Smith, Abraham Fuller, Daniel S. Johnson, William B. Aston, John Bickley, Harden Dale, Richard Colley, Thomas W. Davis and Zachariah Fugate, senior, shall be the commissioners for said county.

Shenandonh,

133. Shenandoah shall be divided into six districts, and Zachariah Shirley, Levi Rinker, Christian Comer, Philip McInturff, Jacob S. Pifer, Adam Rudolph, George Shafer, Philip Helsley, Harrison Ott, John Koontz and John J. Allen shall be the commissioners for said county.

8myth.

134. Smyth shall be divided into six districts, and James Sanders, senior, John M. Campbell, James Cox, Joseph P. Bonham, Robert A.

Davis, James A. Buchanan, William James, John H. Barton and Abijah Thomas shall be the commissioners for said county.

135. Southampton shall be divided into seven districts, and George A. Southampton.

W. Newsome, Samuel H. Drewry, Henry Blow, Thomas H. Ridley, Joseph H. Prince, Henry M. Butts, Joshua Pretlow, Samuel B. Kello, Benjamin E. Pope, J. W. Murfee and John Cobb shall be the commissioners for said county; and said commissioners shall have authority, Surveyor may be whenever they deem it necessary, to employ the services of the county employed. How

surveyor: to be paid for out of the county treasury. 136. Spotsylvania shall be divided into four districts, and Stapleton Spotsylvania. Crutchfield, Charles O. Young, William Beazeley, John R. Taylor, John Amended. Holladay, James T. White, Edmund Turnley, Nathan Johnson, Lorman post, c. 58.

sioners for said county.

137. Taylor shall be divided into three districts, and Thomas Cather, Taylor. John Haymond, junior, William S. Richardson, Stephen W. Poe and John Warder shall be the commissioners for said county.

Chancelor, Thomas M. Horn and Willis Landram shall be the commis-

138. Tazewell shall be divided into seven districts, and Robert Gil-Tazewell. lispie, William M. Gillispie, Thomas Mullens, William R. Bane, John A. Kelly, Peter Litz, Joshua Correll, Addison Crockett and John L. Doherty shall be the commissioners for said county.

139. Upshur shall be divided into four districts, and L. L. D. Louden, Upshur. A. R. Ireland, John Marpel, Alva Teter, James Kesland, George Clark, Anthony B. Seay, Stuart Bennett, Wilson Haymond, Richard Fretwell

and James Cummins shall be the commissioners for said county.

140. Warren shall be divided into five districts, and Robert S. McKay, Warren. Charles D. Shambaugh, Thomas F. Buck, John Bell, Joseph S. Spengler, William Woodward, Robert H. Turner, Hanson Dorsey, Samuel W. Thomas, Wilford G. Settle and John Churchill shall be the commissioners for said county.

141. Washington shall be divided into nine districts, and Jonathan Washington. King, Washington J. Bishop, Robert B. Edmonson, Alexander Findlay, James C. Fulcher, James L. Davis, Michael W. Withers, John M. IIamilton, Levi L. Waterman, Peter S. Hauley and Whitley Fullen shall

be the commissioners for said county.

142. Wayne shall be divided into five districts, and Frederick Moore, Wayne. John Plymale, Stephen Spurlock, Charles W. Furguson, Archibald Adkins, Joseph Kirk, James Ferguson, Ezekiel Bloss, Nathan Holt, Abrain Cyrus, junior, and Aby Belcher shall be the commissioners for said

county.

143. Wetzel shall be divided into six districts, and John Van Camp, Wetzel.

143. Pavid Dunham. James P. Ferrell, Henry R. W. Cox, Jacob Moore, David Dunham, James P. Ferrell, Henry Church, Edmund Hays, Hezekiah Jolliffe, James G. West, William Anderson, Esquire, and Absalom Postlethwait shall be the commissioners

for said county.

144. Wood shall be divided into five districts, and J. G. Stringer, Wil- wood. liam Logan, J. J. Jackson, P. G. Van Winkle, G. W. Henderson, Nathan Ralston, Jacob Cork, B. W. Creel, Richard Reeder, B. R. Pennybaker and Edward Tracewell shall be the commissioners for said county; and Surveyor may be employed. How said commissioners shall have authority, whenever they deem it neces-paid. of the county treasury.

145. Wythe shall be divided into eight districts, and Thomas Saun-Wythe. ders, Daniel Brown, George Stuart, senior, Charles C. Tate, Charles L. Crockett, Alexander Pierce, Robert Gibboncy, John C. Graham, George Hudson, Stephen Repass and John Grayson shall be the commissioners

146. In case so many of the commissioners of any county should de- Vacancies in cline or fail to act as to prevent the formation of a board, or to render it commissioners, expedient in the opinion of such board to fill such vacancies, the court of the county shall, on being informed thereof, proceed to fill such vacancies.

147. This act shall be in force from its passage.

Commencement

CHAP. 53.—An ACT to authorize the commissioners appointed under the act passed April 2, 1852, to lay off the county of Albemarle into districts, to reassemble for certain purposes.

[Passed May 15, 1852] 1. Be it enacted by the general assembly, That the seventh section of

Act of April 2d, counties, amended.

1852; districting the act passed the second day of April eighteen hundred and fifty-two, entitled "an act providing for districting the counties, the names, duties and compensation of the commissioners, and giving to the county courts the power of rearranging said districts, and changing the places of holding elections," shall be and is hereby so amended, that the said section, as now re-enacted with such amendment, shall be as follows: Albemarle shall be divided into ten districts, and John W. Goss, Samuel G. Burnley, Bazalcel Brown, Joseph Debtor, James Durrett, John T. Hamner, John White, Austin M. Appling, James M. Garnett, Thomas Wood and Benjamin H. Magruder shall be the commissioners for said county; and the said commissioners, whenever they may deem it necessary, shall have authority to employ the services of the county surveyor: to be Power to reas. paid out of the county treasury, and said communication before the fourth Thursday in May eighteen hundred and paid out of the county treasury; and said commissioners may reassem-

Surveyor may be employed, how paid.

Districts and

commissioners

for Albemarle.

election precincts. Commencement.

the towns of Scottsville and Milton are situated. 2. This act shall be in force from its passage.

CHAP. 54.—An ACT to amend the 15th section of the act, entitled "an act providing for districting the counties, the names, duties and compensation of the commissioners, and giving to the county courts the power of rearranging said districts, and changing the places for holding elections," passed April 2, 1852.

fifty-two, for the purpose of considering the propriety of changing the

places of holding precinct elections in the district in said county in which

[Passed April 23, 1852.]

1. Be it enacted by the general assembly, That the fifteenth section of

Fifteenth section counties, amended.

of act districting the act, entitled "an act providing for districting the counties, the names, duties and compensation of the commissioners, and giving to the county courts the power of rearranging said districts, and changing the places for holding elections," passed April the second, one thousand eight bundred and fifty-two, be re-enacted and amended, so as with the amendments to read as follows: Augusta shall be divided into nine districts, and Col. William A. Bell, Dr. C. R. Harris, John Crawford, William Beard, Joshua H. Evans, Nathaniel Massie, Samuel F. Christian, John Newton, Jacob Baylor, Dr. John McChesney and Porterfield A. Heiskell Surveyor may be shall be the commissioners for said county, and may, if necessary, call employed. How to their aid the county surveyor: who shall be paid for his services out

Districts and commissioner3 for Augusta.

Commencement.

of the county treasury. 2. This act shall be in force from its passage.

CHAP. 55.—An ACT allowing commissioners for Henrico and Highland counties again to lay off their counties into districts, and establish therein places for voting.

[Passed May 6, 1852.] .

72d and 74th sections of act distric ang counties amended.

1. Be it enacted by the general assembly, That the seventy-second and seventy-fourth sections of the act passed the second day of April eighteen hundred and fifty-two, entitled "an act providing for districting the counties, the names, duties and compensation of the commissioners, and giving to the county courts the power of rearranging said districts, and changing the places for holding elections," shall be and are hereby amended, so that the said sections, as now re-enacted with such amendment, shall be as follows: The county of Henrico, including as such the boundary of said county without the limits of the city of Richmond, and including the territory within said limits only the land on which the courthouse, clerk's office and jail of said county may be, and the land owned by the county adjacent thereto, shall be laid off into four districts, and David W. Haxall, Thomas O. Burton, Francis Staples, Samuel T. Hulce, Daniel E. Gardner, Garland Haines, Thomas J. West, Albert Aiken, William D. Jennings, Williams on Allen and John M. Botts shall be the commissioners for that purpose.

Districts and **commi**ssioners for Henrico.

2. The county of Highland shall be laid off into five districts, and Districts and Samuel Ruckman, Andrew H. Byrd, Joseph Layne, Josiah Hiner, John commissioners for Highland. Jones, Benjamin Fleisher and Jacob Newman shall be the commissioners

for the purpose.

3. Notwithstanding the commissioners appointed by said act may commissioners have performed the duty thereby devolved on them, the commissioners authorized to rehereby appointed for each of said counties of Henrico and Highland, or bounds of dis-a majority thereof, may, before the fourth Thursday in this month, lay tricts. of their county into the number of districts before mentioned, including as Henrico what is before specified, and they shall designate as accurately as they conveniently can the boundaries of said districts, and shall number the same. In each district they shall establish at least one Separate election and not more than two places for voting; and the courthouse shall be precincts. the place, or one of the places of voting in the district of which it may be part; and a report of their final action shall be returned to the clerk's Report returned office of their county court, and be by the clerk of said court recorded, for record.

4. Nothing in this or any other act shall preclude the voters of either Where voters of said counties from voting at any place of voting established in their may vote. county, whether it be in their district or not, except that in the election of those officers who are required to be elected in a district by the voters thereof, there shall be received only the votes of the last mentioned

5. This act shall be in force from its passage.

Commencement.

CHAP. 56 .- An ACT re-enacting and amending the 77th section of an act providing for districting the counties, &c., passed April 2d, 1852. [Passed April 20, 1852.]

1. Be it enacted by the general assembly, That the seventy-seventh sec- Districts and tion of an act providing for districting the counties, &c., passed April commissioners second, eighteen hundred and fifty-two, be re-enacted and amended, so county. as to read, "that Jefferson shall be divided into eight districts, and William Lucas, Alexander R. Boteler, John H. Strider, David Fry, George B. Beall, James D. Gibson, James Burr, James L. Hooff, John C. R. Taylor, John Moler and Joseph Smith shall be the commissioners of said county."

2. This act shall be in force from its passage.

Commencement

CHAP. 57.—An ACT to amend the 135th section of an act providing for districting the counties, passed April 2d, 1852.

[Passed April 22, 1852.]

1. Be it enacted by the general assembly, That the one hundred and Districts and thirty-sixth section of an act providing for districting the counties, passed for Spotsylvania April the second, eighteen hundred and fifty-two, be and the same is county. hereby re-enacted and amended, so as to read, "that Spotsylvania shall be divided into five districts, of which the town of Fredericksburg shall be one, and Stapleton Crutchfield, Charles O. Young, William Beazley, John R. Taylor, John Holladay, James T. White, Edmund Turnley, Jonathan Johnson, Lorman Chancellor, Thomas M. Horn and Willis Landram shall be the commissioners for said county. The justices Fredericksburg landram shan be the commissioners for said country. The justices not to elected for the town of Fredericksburg shall not form part of a court to justices not to form part of appropriate money out of the county treasury or to impose county court for approlevies."

priations or levics. Commencement

2. This act shall be in force from its passage.

CHAP. 58.—An ACT laying off into wards those cities and towns the white population of which exceeds five thousand, and establishing a separate place of voting in each.

[Passed May 15, 1852.]

1. Be it enacted by the general assembly. That the fourteenth section Fourteenth section the act passed the twenty-ninth day of March eighteen hundred and tion of amended fifty-one, entitled "an act to amend the charter of the city of Richmond, mond repealed. and for other purposes," shall be and is hereby repealed, and elections See Acts 1850-51

shall hereafter be held in the said city for the election of members of the general assembly, representatives in congress and electors of president and vice-president of the United States in such manner as would be lawful if the said section had never been enacted.

Wards for Richmond city.

2. Until otherwise provided, the city of Richmond shall, for the purposes of this act, continue to be laid off into three wards as at present, which shall be called as heretofore, one of them as Jefferson ward, an-Elections, where other Madison ward, and the other Monroe ward; and there shall be a separate place of voting in each as follows, to wit: the place of voting in Jefferson ward shall be the first market; in Madison ward it shall be the city hall, and in Monroe ward Shockoe hill tavern. 3. Until otherwise provided, the city of Wheeling shall, for the pur-

Wards for city of Wheeling.

poses of this act, continue to be laid off into five wards, having the boundaries and being designated by the numbers of the five wards now Elections, where laid off for corporate purposes; and there shall be a separate place of voting in each ward as follows, to wit: in the first, fourth and fifth wards, at the respective district public school houses therein; in the second ward, at the city hall, and in the third ward, at the courthouse.

Wards for Alexandria.

4. Until otherwise provided, the city of Alexandria shall, for the purposes of this act, continue to be laid off into four wards, having the boundaries and being designated by the numbers of the four wards now Elections, where laid off for corporate purposes; and there shall be a separate place of voting in each ward as follows, to wit: in the first ward, at the house now occupied by Mrs. Wright, on Prince, between Water and Fairfax streets; in the second ward, at the council chamber; in the third ward, at the Mechanics hall; and in the fourth ward, at the house of Mrs. Rose, corner of Prince and Alfred streets.

Wards for Lynchburg.

poses of this act, continue to be laid off into two wards, having the boundaries and being designated by the names as provided by the charter of said town; one of them as Henry ward, and the other as Lynch Elections, where ward; and there shall be a separate place of voting in each as follows, to wit: in Henry ward, at Planters warehouse, and in Lynch ward, at Friends warehouse.

5. Until otherwise provided, the town of Lynchburg shall, for the pur-

6. Until otherwise provided, the town of Portsmouth shall, for the purposes of this act, be laid off into two wards as follows, to wit: all Wards for Ports. of Portsmouth and Gosport east of Court and Fourth streets shall be called Jackson ward; all of Portsmouth and Gosport west of Court and Elections, where Fourth streets shall be called Jefferson ward; and there shall be a separate place of voting in each ward as follows, to wit: the place of voting in Jackson ward shall be the town hall; in Jefferson ward, it shall be the

held.

courthouse.

7. Until otherwise provided, the city of Norfolk, for the purposes of this act, shall be and is hereby laid off into four wards, to be called Ward number one, Ward number two, Ward number three and Ward

number four, the boundaries whereof shall be as follows, viz:

Ward number one, beginning at the western end of Bute street, on its south side and running thence eastwardly along the south side of Bute street to Catharine street; thence southwardly along the western side of Catharine and Bank street to Main street; thence westwardly along the north side of Main street to a point opposite to the western line of Commerce street; thence southwardly along the western line of Commerce street to the city limits; thence westwardly and northwardly along the city limits to the beginning. Ward number two, beginning at the western end of Bute street, on its northern side, and running thence eastwardly along the north side of Bute street to Church street; thence northwardly along the western side of Church street to the city limits; thence westwardly and southwardly along the city limits to the begin-Ward number three, beginning at the southeastern corner of the intersection of Bute street with Catharine street; thence eastwardly along the south side of Bute street to Church street; thence southwardly along the western side of Church street to the city limits; thence westwardly along the city limits to Commerce street; thence northwardly along the eastern side of Commerce street to Main street; thence east-

mouth.

Wards for Nerfolk city.

wardly along the south side of Main street to a point opposite to the eastern line of Bank street; thence northwardly along the eastern side of Bank and Catharine streets to the beginning. Ward number four, beginning at the city limits on the east side of Church street; thence southwardly along the eastern side of Church street to the city limits; thence eastwardly, northwardly and westwardly along the city limits to the beginning. The councils of said city of Norfolk shall have power to How wards of change the boundaries of said wards and rearrange the same from time Norfolk may be to time, having regard to the equalization of the number of voters changed. residing therein as far as practicable: Provided, That a majority of all the members of each branch of the councils shall concur in such change:

And provided, That no such change shall be made within twenty days Order for change previous to any election day in said city. Whenever any such change is to be transmitted made, the clerk of the common council shall forthwith transmit a copy of delegates.

of the ordinance making such change to the clerk of the house of delegates, and shall also publish the said ordinance in one or more newspapers of the city of Norfolk for such time as the council may

8. There shall be a separate place of voting in and for each of said Places of elections for Norfolk wards, to be appointed by the councils of said city.

9. The division of the city of Petersburg into wards, the places of Wards and voting therein, and the manner of changing the same shall be the same places of voting for Petersburg.

as now provided by law.

10. The council or councils of any city or town shall be authorized, if How places of voting in ward. a majority of the members of such council or councils be present and con- woting in wards may be changed. cur in the opinion that a necessity exists for changing the place of voting bereby established in a ward of such city or town, to make an order establishing in its stead another place in such ward; upon which order Duty of clerk of being made, the clerk of such council or councils shall forthwith post council. one copy thereof at the front door of the courthouse, and post another copy thereof at the place so established by the council or councils, and transmit a third copy thereof to the clerk of the house of delegates. He shall also publish the said order in one or more newspapers of said city or town for such time as the said council or councils may direct.

11. Nothing contained in this act shall impair the authority of the Control of corcouncil or councils of any city or town over the wards and places of porate authorivoting therein for such corporate purposes as are under the control of and places of the council or councils by the charter of said city or town.

12. This act shall be in force from its passage.

voting not im-paired. Commencement.

-An ACT prescribing the times for the commencement of the official terms of the judges under the amended constitution, and providing for their election by the voters.

[Passed April 15, 1652.]

1. Be it enacted by the general assembly, That the first day of July next When the terms shall be the time for the commencement of the official terms of the of judges to judges under the amended constitution; and the first election of judges First election. under the said constitution shall be held on the fourth Thursday of May when.

2. The office of judge shall be deemed vacant not only when he dies, when judge varesigns or is removed from office, but also when he fails to qualify within cates his office.

thirty days next after he receives his commission.

3. When there shall be such vacancy in the office of judge as is men-Fact of vacancy, tioned in the preceding section, the governor shall make known the fact how published. by proclamation, published for such time and in such newspapers within the circuit or section and elsewhere as he may deem proper to give information thereof to the voters; and by such proclamation shall require Special election an election to fill the vacancy, to be held on a certain day, not less than to supply vacan-one month nor more than four months next after the commencement of cd and when such publication, and in said proclamation shall specify what counties held. (and what cities or towns; if any,) constitute the circuit or section in which the vacancy exists; and a special election to fill such vacancy shall be held on the day specified in the proclamation.

Terms of judges, how long, and elections, when to take place.

4. Every election of a judge, not provided for by either of the three proceding sections, shall be held, if it be for a circuit, at the end of eight years, and if it be for a section, at the end of twelve years next after the previous election in such circuit or section, and on the same day of the month in which the said previous election was held, unless that day would come within the thirty days mentioned in the sixteenth section of the sixth article of the constitution; in which case, the election shall be held on the first day afterwards that may be consistent with the said sixteenth section.

Elections, where to be held.

How long polls to be kept open. Officers to con-

duct elections:

dutica.

5. In every election of a judge there shall be opened in the several counties, cities and towns constituting the circuit or section for which the election is held, polls at the same places at which, under the laws then in force, polls are required to be opened in said counties, cities and towns for members of the general assembly; and they shall be kept open for the like time. The same commissioners and other officers, who are to act at and in relation to other elections under the government their powers and of this state in the same year at said places, shall act at and in relation to elections under this act, and have the like powers and perform the like duties, under the like penalties, except so far as is herein otherwise provided.

Meeting of officers, when See post. circuit.

6. The meeting of officers, in the case of an election for a circuit, shall be on the eighth day, and in the case of an election for a section, on the lutions. In fifteenth day next after that fixed for the commencement of said elec-Place of meeting, tion. The place of meeting, when the election is for a circuit, shall be. when election for if it be the first circuit, at the courthouse of the city of Norfolk; if the second circuit, at the courthouse of the city of Petersburg; if the third circuit, at Charlotte courthouse; if the fourth circuit, at Franklin courthouse; if the fifth circuit, at Accomack courthouse; if the sixth circuit, at courthouse of the county of James City; if the seventh circuit, at courthouse of the city of Richmond; if the eighth circuit, at Essex courthouse; if the ninth circuit, at Prince William courthouse; if the tenth circuit, at Louisa courthouse; if the eleventh circuit, at the courthouse in the town of Staunton; if the twelfth circuit, at Rockingham courthouse; if the thirteenth circuit, at the courthouse in the town of Winchester; if the fourteenth circuit, at Alleghany courthouse; if the fifteenth circuit, at Raleigh courthouse; if the sixteenth circuit, at Pulaski courthouse; if the seventeenth circuit, at Washington courthouse; if the eighteenth circuit, at Putnam courthouse; if the nineteenth circuit, at Gilmer courthouse; if the twentieth circuit, at the courthouse of Ohio county; and if the twenty-first circuit, at Taylor courthouse. The place of meeting, when the election is for a section, shall, if it be the first section, be at Charlotte courthouse; if the second section, at the courthouse in the town of Fredericksburg; if the third section, at Rockingham courthouse; if the fourth section, at Giles courthouse; and if the fifth section, at Wood courthouse.

When for section.

meet.

What officers to 7. The officers to meet shall be the same who would meet if the election were for a senatorial or congressional district composed of the several counties, cities and towns constituting the circuit or section, as the case may be; and they shall ascertain and decide the election in like georgea.
Compensation of manner and have the like compensation.

Election, how officers. See post. Resolutions. Form of return.

8. So soon as the result of any election for a judge shall have been Returns of elec- ascertained and declared by said officers, they shall make out returns of such election to the following effect: "We sheriff of county, or sergeant of the city of

(or deputy of sheriff) do certify that at an election of or sergeant of held on the day of for the office of judge for the was elected judge for the circuit (or section) Given under our hands the

said circuit (or section) by the voters thereof. ." To whom return Which returns shall be disposed of day of to be made. in like manner as is provided in regard to returns for election of mem-See Code of bers of the general assembly. Virginia, p. 78.

9. This act shall be in force from its passage. Commencement.

CHAP. 60.—An ACT concerning the next term of the general court.

[Passed March 22, 1852.]

1. Be it enacted by the general assembly, That the fifth section of chap- Act establishing ter one hundred and fifty-nine of the Code of Virginia shall be and is two terms of general court rehereby repealed.

reby repealed.

2. There shall in this year be a term of the general court, to com- Code, p. 620.

Term of court

mence on the twenty-second day of June.

3. This act shall be in force from its passage.

when for 1852. See post, c. 61; also c. 65, § 3, and

C. 69, 51.

CHAP. 61.—An ACT regulating the jurisdiction of the district courts and court Commencement. of appeals.

[Passed June 5, 1852.]

1. Be it enacted by the general assembly. That the supreme court of Appellate jurisappeals and the judges thereof shall respectively succeed to and have diction of general the appellate jurisdiction which, under the laws in force at or since ferred to court of the adoption of the constitution, could have been exercised by the gene-appeals.

ral court or the judges thereof.

2. The said supreme court, besides having jurisdiction of all such Power of court matters as are now pending therein, shall have jurisdiction to issue writs of appeals to isof mandamus and prohibition to the district courts. It shall also have damus and projurisdiction to issue a writ of mandamus to a circuit court, when neces-hibition. sary to carry into effect any judgment or decree of its own or of any special court of appeals.

3. Each district court shall have jurisdiction to issue writs of manda- District courts

mus and prohibition to a circuit court held within the district.

4. The supreme court of appeals and the district courts shall have ju-mandamus and risdiction in cases of habeas corpus, and of such appeals, writs of error prohibition.

and supersedeas as may be legally docketed in or transferred to the said court of appeals courts respectively.

5. No petition shall be presented for an appeal from, or writ of error courts. or supersedeas to any final judgment, decree or order, whether the com-petitions for apmonwealth be a party or not, which shall have been rendered more than peals, writs of error or supersefive years before the petition is presented; nor to any judgment of a deas. county or corporation court which is rendered on an appeal from a judgment of a justice; nor to a judgment, decree or order of any other court On judgments of when the controversy is for a matter less in value or amount than one county courts on bundred dollars, exclusive of costs, unless there be drawn in question a cisions of jusfreehold or franchise, or the title or bounds of land, or some matter not tices merely pecuniary. 6. When an appeal, writ of error or supersedeas is hereafter allowed Where courts.

to or from a jadgment, decree or order of a circuit court in a civil cause, appeals has no of which the supreme court of appeals is prohibited from having juris-der the constitudiction by the eleventh section of the sixth article of the constitution, tion, jurisdiction such appeal, writ of error or supersedeas shall be docketed in the dis-given to district trict court for the district constituted in part of the circuit wherein the

judgment, decree or order was made or rendered.

7. When a petition for such appeal, writ of error or supersedeas is re-Petition for apjected by a judge of a district court, such petition (or a copy thereof) by judge, may be and the order of rejection, with the transcript of the record, may be presented to dispresented to the district court wherein the case would be docketed if trict court, or to the petition be allowed, or to a judge of the supreme court of appeals.

8. Every appeal, writ of error or supersedeas allowed to or from a Appeals, & judgment, decree or order of a circuit court in a controversy concerning from circuit the right of a corporation or of a county to levy tolls or taxes, or in a in court docketed case involving freedom or the constitutionality of a law, shall be dock-peals.

cted in the supreme court of appeals.

9. When there is a petition for an appeal, writ of error or supersedeas To whom petito or from a judgment, decree or order of a circuit court in a case of tions for appeals, mandamys, prohibition or habeas corpus, or in a controversy concerning sented, and how the title or boundaries of land, or concerning the probat of a will, or certified by counconcerning a mill, road, way, ferry or landing, or concerning the appointment or qualification of a personal representative, guardian, committee or curator, or in any civil cause where the matter in controversy, exclu-

authorized to isand district

On judgments of

sive of costs, is not less in value or amount than five hundred dellars. and not embraced by the sixth and eighth sections of this act, the counsel or attorney to certify as to the propriety of reviewing the decision, may be counsel or attorney either of the supreme court of appeals or a district court, and the petition may be presented to a judge of a district court, or to the supreme court of appeals, or a judge thereof.

Appeals, when docketed in court of appeals.

10. If on a petition in any case mentioned in the preceding section, the appeal, writ of error or supersedeas be allowed by the supreme court of appeals in term, the same shall be docketed in said court. And if on a petition in any such case, the appeal, writ of error or supersedeas be allowed by a judge of said court or of a district court, the same shall be docketed also in the supreme court of appeals, unless the appellant or plaintiff in error ask it to be docketed in a district court, in which case

When in a dis trict court.

appeals.

it may, by order of said judge, be docketed in the district court for the district constituted in part of the circuit wherein the judgment, decree When so docket or order was made or rendered. But any case docketed under this seced, how transtion in a district court shall, on the application of an appellee or deferred to court of fendant in error to such court or a judge thereof, be transferred by order of such court or judge to the supreme court of appeals, provided such application be made within ninety days after the summons on the appeal, writ of error or supersedeas is returned executed on such appellee or defendant in error, and provided the application be also made before the appeal, writ of error or supersedeas is heard in the district court.

How causes And how transtrict courts. No appeals from district courts unless where original jurisdiction exercised.

11. By consent of the parties or their counsel, a pending cause may be transferred from transferred from a district court to another district court, or from the one district court transferred noun a district court, or from a district court to snother, or to supreme court of appeals to a district court, or from a district court to to snother, or to court of appeals, the said supreme court, except that there shall not be transferred to the And how trans-ferred from court said supreme court any cause of which it cannot have jurisdiction conof appeals to dis- sistently with the eleventh section of the sixth article of the constitution. 12. No appeal, writ of error or supersedeas shall be allowed to or from a judgment, decree or order of a district court, unless such judgment,

peals. Sessions and appeals; its powers and dudecree or order be in a case of habeas corpus, mandamus or prohibition. wherein said court has exercised original jurisdiction.

Clerk of court how appointed, and his bond. Appellate juris-diction in crimi-Power to transfer criminal cases.

rrom district judgment, decree or order of a district court, shall be docketed in the in court of ap- supreme court of appeals.

Special court of appeals, how organized and composed.

14. The sessions and terms of the supreme court of appeals, and the terms of court of powers and duties of the court at each place of session, shall continue according to the laws in force at or since the adoption of the constitution, except that the court at one place of session may also, if it see fit, appoint, and take bond from the clerk of the court at the other place, and except likewise that the appellate jurisdiction of said court in any criminal case may be exercised at either place of session, no matter in what county or corporation the circuit court may have been held which rendered the judgment in such case; and a criminal case pending in said court at one place may at any time by its order be transferred to the other, and be there heard and determined.

Its place of sescion.

Its clerk.

Decisions, how executed.

15. If at any time there be on the docket of said supreme court, at either place of session, a case in respect to which a majority of the judges of said court are so situated as to make it improper for them to sit on the hearing thereof, that fact shall be entered of record, and said court shall appoint and have summoned from among the judges of the circuit courts so many as, with the judges of the supreme court of appeals not so situated, will make the number five; and they shall together form and hold a special court of appeals to hear and determine such case at such time as a majority of them shall see fit. The place of holding the same shall be Richmond or Lewisburg, according as the cause may be depending at the one place or the other. The clerk of the supreme court of appeals at said place shall, in person or by deputy, attend such special court with the records and papers in such case, and act as the clerk of said special court. And the decisions of such special court shall be certified and carried into execution as if made by the supreme court of appeals.

16. The ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, Part of Code resixteenth and seventeenth sections of chapter one hundred and sixty of lating to special court of appeals the Code of Virginia are hereby repealed.

17. This act shall be in force on and after the first day of July next.

repealed. See Code, p. 622, 624. Commencement.

CHAP. 62.—An ACT concerning the practice on appeals, writs of error and supersedeas in the district courts and the court of appeals.

[Passed May 31, 1852.]

1. Be it enacted by the general assembly, That in a case in which it is When district lawful to present a petition for an appeal from, or writ of error or super-court or its judge sedeas to a judgment, decree or order of a district court, the said court, pending order. or a judge of a district court, may make such suspending order as a circuit court or judge might make if the judgment, decree or order were in a circuit court.

2. When a district court is the appellate court, bond shall be given Where appeal before the clerk of the court below in like manner as when the court of bond to be given. appeals is the appellate court, and the process shall be endorsed in like cess endorsed.

3. The nineteenth section of chapter one hundred and eighty-two of In cases in court the Code of Virginia is hereby amended so that the said section as now district courts. the Code of Virginia is hereby amended so that the said section as now district courts, re-enacted with such amendment shall hereafter read as follows: In how clerk preevery case docketed in the court of appeals or a district court, the clerk pares record.

of the court in which the case is docketed shall make a table of contents See Code, p. 886. to the whole record. Of the petition, so much of the record as the What is printed counsel for any party interested or the court may direct, and the table and how. of contents, the clerk shall cause eleven copies, if the case be in a district court, and twelve copies if the case be in the court of appeals, to be printed, preserving in the margin of the printed record the paging of the record from the court below, which shall be used in printing and returned to the clerk's office. The clerk shall take care that the printing be properly done. Of the copies printed he shall deliver one to each How printed cojudge, two to the counsel on each side, retain one in his office, and trans- pies are distri-mit one to the clerk of the court below, (in which the case was originally decided;) and when the case is in the court of appeals he shall deliver the other copy to the reporter. The cost of the printing, after Cost of printing,

being allowed by the court, shall be paid out of the treasury.

how paid.

4. When a case, which has been docketed in any appellate court, Records not to (other than in a circuit court,) is afterwards docketed in another appel- betwice printed late court, if the record was printed in the former, it shall not be again transferred from printed in the latter court, unless directed by the court, but the printed one appellate copies shall be transmitted by the clerk of the former court to the clerk court to another.

of the latter.

5. The rule that parol testimony is not to be heard on an appeal, writ ples. of error or supersedeas shall prevail in the district courts as well as in not to be heard the court of appeals.

6. In those cases in which the reporter appointed by the supreme Reasons of decicourt of appeals is to report decisions, copies of the reasons, stated in sions to be decived by clerk writing, under the thirteenth section of the sixth article of the constitu- to reporter. tion, shall be delivered by the clerk of the court to the reporter.

7. A copy of every decision of a district court on any appeal, writ of Decisions of diserror or supersedeas, shall be entered in the order book of the court be-been the order to be shall be entered in low in like manner as a copy of a decision of the court of appeals is so be entered in entered; and in case of an affirmance by a district court, as in the case court below. of an affirmance by the court of appeals, the damages, when the judg- What damag ment, decree or order is for the payment of money, shall be until the are awarded to the appellee. copy of its decision is so entered.

8. In respect to certifying and transmitting decisions of a district When clerk of court, its clerk shall perform like duties as a clerk of the court of appeals, district court to transmit its decisions and under the like penalties; and his account for postage on decisions sions; penalty transmitted by mail may be certified by the district court, for payment for fallure; post out of the treasury, in like manner as the accounts of the clerk of the See Code, p. 688.

court of appeals may be so certified.

mit printed co-

on appeals, &c.

How decision of court of appeals or district court is entered in court from Execution and other proceedings.

9. The twenty-eighth section of chapter one hundred and eighty-two of the Code of Virginia is hereby amended, so that the said section, as now re-enacted with such amendment, shall hereafter read as follows: The court from which any case may have come to a district court or to which case came. The court of appeals, shall enter the decision of the appellate court as its own, and execution may issue thereon accordingly. If such decision be received by the clerk of the court below in vacation, he shall enter it of record in his order book, and thereupon such execution may issue and such proceedings be had in the case as would have been proper if the decision had been entered in court.

Commencement.

10. This act shall be in force on and after the first day of July next. Chap. 63.—An ACT concerning the officers of the supreme court of appeals and of the district courts.

[Passed June 1, 1852.]

First section of chapter 163, and 26th & of chap. 184 of Code repealed. See Code, p. 630

tice and term of

appeals. Residence of clerk and place of his office. Clerk to report days of session of district courts. Form of report.

Duties of clerks Their fees.

failure.

1. Be it enacted by the general assembly, That the first section of chapter one hundred and sixty-three of the Code of Virginia and the twenty-sixth section of chapter one hundred and eighty-four of said Code shall be and are hereby repealed.

See Code, p. 630 2. There shall be a clerk of every district court. The term of his and 702.

Clerks of district office, and the term of office of each clerk hereafter appointed by the

courts.

Their term of of supreme court of appeals, shall be six years.

3. Every clerk of a district court shall reside within the county or clerks of court of corporation wherein said court is held; and his office shall be kept in the building wherein said court is held, or at such other place as the court

may direct.
4. Every clerk of a district court shall, annually, before the first day of November, make to the clerk of the house of delegates a report of the number of days the court was in session within the year ending on the last day of August preceding, and the state of the business in the court See Code, p. 634. during the said year; which report shall be made out as the report of a Penalty for clerk of the court of appeals is required to be made out; and for a failure. failure to make it, there may be a like fine.

5. The clerk of a district court shall in other matters perform duties of district courts similar to those of a clerk of the court of appeals; and for like services he shall have like fees as a clerk of the court of appeals; and the said fees shall be charged, and the fee bills therefor made out, collected and accounted for in like manner.

Clerks may issue fee bills against appellant and bond jointly.

treasury.

6. The clerk of any district court or court of appeals may, for services rendered to the appellant, (or plaintiff,) issue his fee bills jointly against or plaint and appeal said appellant (or plaintiff) and the surety on the bond given by him on obtaining the appeal, writ of error or supersedeas: provided the said fee bills with the other claims on said bond will not altogether exceed the penalty thereof.

Compensation of 7. There shall be paid out of the treasury, to the clerk of each district clerks of district court, (on the order of said court,) as follows, to wit: For services rendered the commonwealth in a civil case, such fees as would be charged for the like services rendered to an individual; and for other public services, such sum as the court may allow him, not exceeding one

court shall annually render to the auditor of public accounts an account

of all money received by him within the preceding fiscal year for records printed, and after swearing to the correctness of said account,

shall pay into the treasury, on or before the fifteenth day of December

hundred dollars in any one year. 8. Each clerk of the court of appeals and the clerk of each district

Account of clerks of court of appeals and dis trict courts for money received for printed repaid into treasu-

ry and when. Sheriffs not to attend district courts. Criers; their pay. Expenses of disrict courts.

How much to be next following, one-half of said money, or of so much thereof as may not have been previously accounted for and paid. 9. No sheriff shall attend a district court. Each district court may appoint a crier, who shall hold his office at its pleasure, and receive out of the treasury such reasonable compensation as it may allow.

The account kept in the auditor's office, for the contingent expenses of the court of appeals and circuit courts, shall include also the

contingent expenses of the district courts. Commencement.

11. This act shall be in force on and after the first day of July next.

CHAP. 64.—An ACT fixing the terms of the district courts, and the places of holding said courts.

[Passed May 22, 1852.]

1. Be it enacted by the general assembly, That in every year there shall Terms of district be one term of each district court, and the day for its commencement courts, when and the place of holding the court shall be as follows: For the first dis-held. trict, on the fifteenth day of December, at the courthouse of the town of Petersburg; for the second district, on the first day of December, at the courthouse of the town of Lynchburg; for the third district, on the fifteenth day of December, at the courthouse of the city of Williamsburg; for the fourth district, on the first day of December, at the courthouse in the town of Fredericksburg; for the fifth district, on the first day of December, at the courthouse of Albemarle county; for the sixth district, on the fifteenth day of December, at the courthouse in the town of Winchester; for the seventh district, on the first day of December, at the courthouse of Monroe county; for the eighth district, on the fifteenth day of December, at the courthouse of Washington county; for the ninth district, on the fifteenth day of December, at the courthouse of Wood county; for the tenth district, on the first day of December, at the courthouse

2. When the building prescribed for a district court to sit in is not in a When building condition to be occupied, such court shall hold its sessions at such place cannot be occus may be appointed by its order, or by warrant of three judges thereof to sit. is vacation directed to the clerk; and if no place be so appointed, then How place may at such place as may, under the ninth section of chapter one hundred be changed.

See Code, and sixty-one of the Code of Virginia, be appointed by the court of that p. 625, 626. county or corporation in which the district court is by law to sit.

3 In order that clerks of the district courts may be appointed and Special term for give bonds and qualify as soon as convenient after the commencement appointment and of this act, there shall be a special term of each district court on the first clerks. Thursday or second Thursday of July next; or if any court should not When to be held. be held on one or the other of said days, then on such day within one

month afterwards as three judges thereof may see fit to meet. 4. This act shall be in force on and after the first day of July next.

of Marion county.

Commencement.

CHAP. 65.—An ACT regulating the jurisdiction of the circuit courts.

[Passed May 22, 1852.]

1. Be it enacted by the general assembly, That a circuit court, to be Circuit court for called the Circuit Court of the City of Richmond, shall be established in Richmond city and for said city; and the said circuit court, and the judge thereof relts jurisdiction, spectively, in all causes and matters, civil and criminal, which may here-powers and duafter arise or be brought or prosecuted, shall have and perform in and ties. for said city, jurisdiction, powers and duties like the jurisdiction, powers and duties which other circuit courts and the judges thereof have or may perform in and for the counties, cities or towns for which the said courts respectively may be held. All causes and matters which Pending suits, shall be depending and undetermined in the circuit court of chancery for &c. in chancery the county of Henrico on the day before this act takes effect, shall be co, to be acted on proceeded in, tried and determined in the said circuit court of the city of by circuit court Richmond, which as to said causes and matters shall succeed to and have Jurisdiction, the jurisdiction, powers and duties, which under the laws in force when powers and duthe constitution was adopted, would have been had or should have been ties of chancery court transferred performed by the said circuit court of chancery.

2. A circuit court, to be called the Circuit Court of the County of Hen-Circuit court of rico, shall be established for that part of said county which is without the Henrico established. corporate limits of the city of Richmond; and the said circuit court and lis jurisdiction, the judge thereof respectively, in all causes and matters, civil and crimi- powers and dumal, which may hereafter arise or be brought or prosecuted, shall have and perform as to and for that part of said county, jurisdiction, powers and duties like the jurisdiction, powers and duties which other circuit courts and the judges thereof have or may perform in and for the counties, cities or towns for which the said circuit courts respectively may be

to circuit court.

How decision of court of appeals or district court is entered in court from Execution and other proceedings.

9. The twenty-eighth section of chapter one hundred and eighty-two of the Code of Virginia is hereby amended, so that the said section, as now re-enacted with such amendment, shall hereafter read as follows: The court from which any case may have come to a district court or to which case came. The court from which any case may have come to a district court to see Code, p. 688. the court of appeals, shall enter the decision of the appellate court as its own, and execution may issue thereon accordingly. If such decision be received by the clerk of the court below in vacation, he shall enter it of record in his order book, and thereupon such execution may issue and such proceedings be had in the case as would have been proper if the decision had been entered in court.

Commencement.

10. This act shall be in force on and after the first day of July next. CHAP. 63.—An ACT concerning the officers of the supreme court of appeals and of the district courts.

[Passed June 1, 1852.]

First section of pealed. See Code, p. 630 and 702.

fice and term of appeals. Residence of clerk and place of his office. Clerk to report business in and of district courts. Form of report.

Their fees.

Clerks may issue fee bills against appellant and

Compensation of courts out of treasury.

Account of clerks of court of appeals and district courts for money received for printed repaid into treasu-ry and when. Sheriffs not to attend district courts. Criers; their pay. Expenses of disrict courts.

1. Be it enacted by the general assembly, That the first section of chapter 163, and chapter one hundred and sixty-three of the Code of Virginia and the 26th 6 of Code re. twenty-sixth section of chapter one hundred and eighty-four of said Code shall be and are hereby repealed.

2. There shall be a clerk of every district court. The term of his Clerks of district office, and the term of office of each clerk hereafter appointed by the

courts.

Their term of of supreme court of appeals, shall be six years.

3. Every clerk of a district court shall reside within the county or clerks of court of corporation wherein said court is held; and his office shall be kept in the building wherein said court is held, or at such other place as the court

may direct.

4. Every clerk of a district court shall, annually, before the first day of November, make to the clerk of the house of delegates a report of the number of days the court was in session within the year ending on the last day of August preceding, and the state of the business in the court See Code, p. 634. during the said year; which report shall be made out as the report of a Penalty for clerk of the court of appeals is required to be made out; and for a failure.

failure to make it, there may be a like fine.

Duties of clerks 5. The clerk of a district court shall in other matters perform duties of district courts. similar to those of a clerk of the court of appeals; and for like services he shall have like fees as a clerk of the court of appeals; and the said fees shall be charged, and the fee bills therefor made out, collected and accounted for in like manner.

6. The clerk of any district court or court of appeals may, for services rendered to the appellant, (or plaintiff,) issue his fee bills jointly against appenant and surety on appeal said appellant (or plaintiff) and the surety on the bond given by him bond jointly. on obtaining the appeal, writ of error or supersedeas: provided the said fee bills with the other claims on said bond will not altogether exceed the penalty thereof.

7. There shall be paid out of the treasury, to the clerk of each district clerks of district court, (on the order of said court,) as follows, to wit: For services rendered the commonwealth in a civil case, such fees as would be charged for the like services rendered to an individual; and for other public services, such sum as the court may allow him, not exceeding one

hundred dollars in any one year.

8. Each clerk of the court of appeals and the clerk of each district court shall annually render to the auditor of public accounts an account of all money received by him within the preceding fiscal year for records printed, and after swearing to the correctness of said account, shall pay into the treasury, on or before the fifteenth day of December How much to be next following, one-half of said money, or of so much thereof as may not have been previously accounted for and paid.

9. No sheriff shall attend a district court. Each district court may appoint a crier, who shall hold his office at its pleasure, and receive out

of the treasury such reasonable compensation as it may allow.

10. The account kept in the auditor's office, for the contingent expenses of the court of appeals and circuit courts, shall include also the contingent expenses of the district courts.

Commencement. 11. This act shall be in force on and after the first day of July next. CHAP. 64.—An ACT fixing the terms of the district courts, and the places of holding said courts.

[Passed May 22, 1852.]

1. Be it enacted by the general assembly. That in every year there shall Terms of district be one term of each district court, and the day for its commencement courts, when and the place of holding the court shall be as follows: For the first dis-held. trict, on the fifteenth day of December, at the courthouse of the town of Petersburg; for the second district, on the first day of December, at the courthouse of the town of Lynchburg; for the third district, on the fif-teenth day of December, at the courthouse of the city of Williamsburg; for the fourth district, on the first day of December, at the courthouse in the town of Fredericksburg; for the fifth district, on the first day of December, at the courthouse of Albemarle county; for the sixth district, on the fifteenth day of December, at the courthouse in the town of Winchester; for the seventh district, on the first day of December, at the courtbouse of Monroe county; for the eighth district, on the fifteenth day of December, at the courthouse of Washington county; for the ninth district, on the fifteenth day of December, at the courthouse of Wood county; for the tenth district, on the first day of December, at the courthouse of Marion county.

2. When the building prescribed for a district court to sit in is not in a When building condition to be occupied, such court shall hold its sessions at such place cannot be occuas may be appointed by its order, or by warrant of three judges thereof to sit.

in vacation directed to the clerk; and if no place be so appointed, then How place may
at such place as may, under the ninth section of chapter one hundred be changed. and sixty-one of the Code of Virginia, be appointed by the court of that p. 625, 626.

county or corporation in which the district court is by law to sit.

3. In order that clerks of the district courts may be appointed and Special term for give bonds and qualify as soon as convenient after the commencement appointment and of this act, there shall be a special term of each district court on the first clerks. Thursday or second Thursday of July next; or if any court should not When to be held. be held on one or the other of said days, then on such day within one month afterwards as three judges thereof may see fit to meet.

4. This act shall be in force on and after the first day of July next.

Commencement.

CHAP. 65.—An ACT regulating the jurisdiction of the circuit courts.

[Passed May 22, 1852.]

1. Be it enacted by the general assembly, That a circuit court, to be Circuit court for called the Circuit Court of the City of Richmond, shall be established in Richmond city and for said city; and the said circuit court, and the judge thereof re- lts jurisdiction, spectively, in all causes and matters, civil and criminal, which may here-powers and du-after arise or be brought or prosecuted, shall have and perform in and ties. for said city, jurisdiction, powers and duties like the jurisdiction, powers and duties which other circuit courts and the judges thereof have or may perform in and for the counties, cities or towns for which the said courts respectively may be held. All causes and matters which Pending suits, shall be depending and undetermined in the circuit court of chancery for &c. in chancery the county of Henrico on the day before this act takes effect, shall be co, to be acted on proceeded in, tried and determined in the said circuit court of the city of by circuit court of Richmond, which as to said causes and matters shall succeed to and have Jurisdiction, the inrisdiction, nowers and duties, which under the laws in force when processed do the jurisdiction, powers and duties, which under the laws in force when powers and duthe constitution was adopted, would have been had or should have been ties of chancery court transferred performed by the said circuit court of chancery.

2. A circuit court, to be called the Circuit Court of the County of Hen-Circuit court of rico, shall be established for that part of said county which is without the Henrico estabcorporate limits of the city of Richmond; and the said circuit court and Its jurisdiction, the judge thereof respectively, in all causes and matters, civil and crimi- powers and dumal, which may hereafter arise or be brought or prosecuted, shall have ties. and perform as to and for that part of said county, jurisdiction, powers and duties like the jurisdiction, powers and duties which other circuit courts and the judges thereof have or may perform in and for the counties, cities or towns for which the said circuit courts respectively may be

to circuit court.

Pending suits, &c. transferred

All causes and matters which shall be depending and undetermined in the circuit court of law for the county of Henrico on the day before this act takes effect, shall be proceeded in, tried and determined in the said circuit court of the county of Henrico, which, as to said causes and matters, shall succeed to and have the jurisdiction, powers and duties which, under the laws in force when the constitution was adopted, would have been had or should have been performed by the said circuit court of law.

Special jurisdiccourt of Rich-

Suits against public officers or

secuted.

public corpora-tions, where brought and pro-

3. The circuit court of the city of Richmond, except in such causes and matters depending and undetermined as are mentioned in the preceding section, shall have jurisdiction of all criminal proceedings against convicts in the penitentiary, and of all proceedings to enforce payment of money to the commonwealth, and shall have all the jurisdiction which under the laws in force when the constitution was adopted the general court had, except its appellate jurisdiction. There shall be brought and prosecuted in said circuit court all suits in which it may be necessary or proper to make any of the following public officers a party defendant as representing the commonwealth, to wit: the governor, attorney general, treasurer, register of the land office, or either auditor, or in which it may be necessary or proper to make any of the following public corporations parties defendant, to wit: the board of the Literary fund, Board of public works, or any other public corporation composed of officers of government, of the funds and property of which the commonwealth is sole owner, or in which it shall be attempted to enjoin or otherwise suspend or affect any judgment or decree on behalf of the commonwealth, ob-

tablished.

Circuit courts for 4. For the city of Williamsburg and county of James City, and for other circuits es- every other county in addition to the county of Henrico, and for each of the cities of Norfolk and Petersburg, and for the town of Lynchburg, there shall continue to be established a circuit court, which shall be called the circuit court of such county, city or town, or of such city and county, as the case may be; and such court and the judge thereof shall respection, powers and tively have and perform all the jurisdiction, powers and duties which under the laws in force when the constitution was adopted, or since en-

acted, would have been had or should have been performed by the cir-

tained in the general court or any circuit court holden in the city of Richmond, or any execution issued on such judgment or decree.

Their jurisdic-

Commencement.

cuit court of such county or corporation, or of such city and county, or by the judge thereof respectively.

5. This act shall be in force on and after the first day of July next. CHAP. 66.—An ACT concerning the terms of the circuit courts.

[Passed May 22, 1852.]

Terms of circuit court, when to be held. First circuit.

1. Be it enacted by the general assembly, That in every year there shall be two regular terms of each circuit court, and the days for the commencement of the said terms shall be as follows, to wit: In the first circuit: For the county of Princess Anne, on the twenty-fifth day of May and twenty-second day of September; for the county of Norfolk, on the first day of April and twenty-eighth day of September; for the county of Nansemond, on the sixteenth day of April and twelfth day of October; for the county of Isle of Wight, on the sixteenth day of May and eighteenth day of October; for the county of Southampton, on the second day of May and seventh day of November; for the county of Greenesville, on the twenty-eighth day of April and second day of November; for the county of Surry, on the tenth day of May and twentyfifth day of October; for the county of Sussex, on the twenty-fourth day of April and twenty-ninth day of October; and for the city of Norfolk, on the first day of June and fifteenth day of November.

Second circuit.

2. In the second circuit: For the county of Prince George, on the fif-teenth day of May and fifteenth day of November; for the county of Dinwiddie, on the twenty-fourth day of April and twenty-fourth day of October; for the county of Brunswick, on the twenty-second day of March and twenty-second day of September; for the county of Mecklenburg, on the ninth day of March and ninth day of September; for

the county of Lunenburg, on the first day of March and first day of September; for the county of Nottoway, on the first day of April and first day of October; for the county of Amelia, on the eighth day of April and eighth day of October; for the county of Chesterfield, on the second day of May and second day of November; for the county of Powhatan, on the sixteenth day of April and sixteenth day of October; and for the city of Petersburg, on the twentieth day of May and twentieth

day of November. 3. In the third circuit: For the county of Cumberland, on the first day Third circuit. of March and first day of August; for the county of Buckingham, on the fourth day of April and fourth day of September; for the county of Appomattox, on the twentieth day of April and twentieth day of September; for the county of Campbell, on the fifteenth day of May and fifteenth day of October; for the county of Prince Edward, on the twelfth day of March and twelfth day of August; for the county of Charlotte, on the twenty-third day of March and twenty-third day of August; for the county of Halifax, on the first day of May and first day of October; and for the town of Lynchburg, on the first day of June

and first day of November. 4. In the fourth circuit: For the county of Pittsylvania, on the twen- Fourth circuit. ty-second day of May and twenty-second day of October; for the county of Bedford, on the first day of April and first day of September; for the county of Franklin, on the ninth day of May and ninth day of October; for the county of Patrick, on the fifteenth day of April and fifteenth day of September; and for the county of Henry, on the first day of May and first day of October.

5. In the fifth circuit: For the county of Accomack, on the Tuesday Fifth circuit. after the third Monday of April, and on the eighth day of October; and

for the county of Northampton, on the Tuesday after the second Monday of April, and on the first day of October.

6. In the sixth circuit: For the county of Elizabeth City, on the fif-Sixth circuit. teenth day of March and fifteenth day of September; for the county of Warwick, on the twenty-first day of March and twenty-first day of September; for the county of York, on the twenty-sixth day of March and twenty-sixth day of September; for the county of Gloucester, on the thirteenth day of April and thirteenth day of October; for the county of Matthews, on the sixth day of April and sixth day of October: for of Matthews, on the sixth day of April and sixth day of October; for the county of Middlesex, on the first day of April and first day of October; for the county of Middlesex, on the first day of April and first day of October; for the county of Henrico, on the twenty-fifth day of April and twenty-fifth day of October; for the county of New Kent, on the tenth day of May and tenth day of November; for the county of Charles City, on the eighteenth day of May and eighteenth day of November; for the county of James City and city of Williamsburg, on the twenty-fifth day of May and twenty-fifth day of November.

7. In the seventh circuit: For the city of Richmond, on the tenth day Seventh circuit.

of May and tenth day of November.

8. In the eighth circuit: For the county of Lancaster, on the fifteenth Eighth circuit. day of April and twenty-third day of October; for the county of Northumberland, on the ninth day of April and eighteenth day of October; for the county of Richmond, on the third day of April and thirteenth day of October; for the county of Westmoreland, on the twenty-eighth day of March and eighth day of October; for the county of King George, on the twenty-third day of March and third day of October; for the county of Spotsylvania, on the twentieth day of May and twenty-fifth day of November; for the county of Caroline, on the fifteenth day of March and twenty-fourth day of September; for the county of Hanover, en the fourth day of May and seventeenth day of November; for the county of King William, on the fourteenth day of May and eleventh day of November; for the county of King & Queen, on the twenty-eighth day of April and fifth day of November; and for the county of Essex, en the twenty-second day of April and thirtieth day of October.

9. In the ninth circuit: For the county of Stafford, on the first Mon-Ninth circuit. day of June and first Monday of November; for the county of Prince William, on the second Monday of June and second Monday of NovemPending suits, &c. transferred

held. All causes and matters which shall be depending and undetermined in the circuit court of law for the county of Henrico on the day before this act takes effect, shall be proceeded in, tried and determined in the said circuit court of the county of Heurico, which, as to said causes and matters, shall succeed to and have the jurisdiction, powers and duties which, under the laws in force when the constitution was adopted, would have been had or should have been performed by the said circuit court of law.

Special jurisdiction of circuit court of Richmond.

rublic corpora-

secuted.

Saits against

3. The circuit court of the city of Richmond, except in such causes and matters depending and undetermined as are mentioned in the preceding section, shall have jurisdiction of all criminal proceedings against convicts in the penitentiary, and of all proceedings to enforce payment of money to the commonwealth, and shall have all the jurisdiction which under the laws in force when the constitution was adopted the general court had, except its appellate jurisdiction. There shall be brought and public officers or prosecuted in said circuit court all suits in which it may be necessary or public corpora-tions, where brought and proproper to make any of the following public officers a party defendant as representing the commonwealth, to wit: the governor, attorney general, treasurer, register of the land office, or either auditor, or in which it may be necessary or proper to make any of the following public corporations parties defendant, to wit: the board of the Literary fund, Board of public works, or any other public corporation composed of officers of government, of the funds and property of which the commonwealth is sole owner, or in which it shall be attempted to enjoin or otherwise suspend or affect any judgment or decree on behalf of the commonwealth, obtained in the general court or any circuit court holden in the city of Richmond, or any execution issued on such judgment or decree.

Circuit courts for 4. For the city of Williamsburg and county of James City, and for other circuits es- every other county in addition to the county of Henrico, and for each of the cities of Norfolk and Petersburg, and for the town of Lynchburg, there shall continue to be established a circuit court, which shall be called the circuit court of such county, city or town, or of such city and county, as the case may be; and such court and the judge thereof shall respection, powers and tively have and perform all the jurisdiction, powers and duties which under the laws in force when the constitution was adopted, or since enacted, would have been had or should have been performed by the circuit court of such county or corporation, or of such city and county, or

Their jurisdicdutio

Commencement.

5. This act shall be in force on and after the first day of July next.

by the judge thereof respectively.

CHAP. 66.—An ACT concerning the terms of the circuit courts.

[Passed May 22, 1852.]

Terms of circuit court, when to be held. First circuit.

1. Be it enacted by the general assembly, That in every year there shall be two regular terms of each circuit court, and the days for the commencement of the said terms shall be as follows, to wit: In the first circuit: For the county of Princess Anne, on the twenty-fifth day of May and twenty-second day of September; for the county of Norfolk, on the first day of April and twenty-eighth day of September; for the county of Nansemond, on the sixteenth day of April and twelfth day of October; for the county of Isle of Wight, on the sixteenth day of May and eighteenth day of October; for the county of Southampton, on the second day of May and seventh day of November; for the county of Greenesville, on the twenty-eighth day of April and second day of November; for the county of Surry, on the tenth day of May and twentyfifth day of October; for the county of Sussex, on the twenty-fourth day of April and twenty-ninth day of October; and for the city of Norfolk, on the first day of June and fifteenth day of November.

Second circuit.

2. In the second circuit: For the county of Prince George, on the fifteenth day of May and fifteenth day of November; for the county of Dinwiddie, on the twenty-fourth day of April and twenty-fourth day of October; for the county of Brunswick, on the twenty-second day of March and twenty-second day of September; for the county of Mecklenburg, on the ninth day of March and ninth day of September; for

the county of Lunenburg, on the first day of March and first day of September; for the county of Nottoway, on the first day of April and first day of October; for the county of Amelia, on the eighth day of April and eighth day of October; for the county of Chesterfield, on the second day of May and second day of November; for the county of Powhatan, on the sixteenth day of April and sixteenth day of October; and for the city of Petersburg, on the twentieth day of May and twentieth day of November.

3. In the third circuit: For the county of Cumberland, on the first day Third circuit. of March and first day of August; for the county of Buckingham, on the fourth day of April and fourth day of September; for the county of Appomattox, on the twentieth day of April and twentieth day of September; for the county of Campbell, on the fifteenth day of May and fifteenth day of October; for the county of Prince Edward, on the twelfth day of March and twelfth day of August; for the county of Charlotte, on the twenty-third day of March and twenty-third day of August; for the county of Halifax, on the first day of May and first day of October; and for the town of Lynchburg, on the first day of June and first day of November.

4. In the fourth circuit: For the county of Pittsylvania, on the twen- Fourth circuit. ty-second day of May and twenty-second day of October; for the county of Bedford, on the first day of April and first day of September; for the county of Franklin, on the ninth day of May and ninth day of October; for the county of Patrick, on the fifteenth day of April and fifteenth day of September; and for the county of Henry, on the first day of May

and first day of October.

5. In the fifth circuit: For the county of Accomack, on the Tuesday Fifth circuit. after the third Monday of April, and on the eighth day of October; and for the county of Northampton, on the Tuesday after the second Monday of April, and on the first day of October.

day of April, and on the first day of October.

6. In the sixth circuit: For the county of Elizabeth City, on the fif-Sixth circuit teenth day of March and fifteenth day of September; for the county of Warwick, on the twenty-first day of March and twenty-first day of September; for the county of York, on the twenty-sixth day of March and twenty-sixth day of September; for the county of Gloucester, on the thirteenth day of April and thirteenth day of October; for the county of Matthews, on the sixth day of April and sixth day of October; for the county of Middlesex, on the first day of April and first day of October; for the county of Henrico, on the twenty-fifth day of April and twenty-fifth day of October; for the county of New Kent, on the tenth day of May and tenth day of November; for the county of Charles City, en the eighteenth day of May and eighteenth day of November; for the county of James City and city of Williamsburg, on the twenty-fifth day of May and twenty-fifth day of November. of May and twenty-fifth day of November.
7. In the seventh circuit: For the city of Richmond, on the tenth day Seventh circuit.

of May and tenth day of November.

8. In the eighth circuit: For the county of Lancaster, on the fifteenth Eighth circuit. day of April and twenty-third day of October; for the county of North-amberland, on the ninth day of April and eighteenth day of October; for the county of Richmond, on the third day of April and thirteenth day of October; for the county of Westmoreland, on the twenty-eighth day of March and eighth day of October; for the county of King George, on the twenty-third day of March and third day of October; for the county of Spotsylvania, on the twentieth day of May and twenty-fifth day of November; for the county of Caroline, on the fifteenth day of March and twenty-fourth day of September; for the county of Hanover, en the fourth day of May and seventeenth day of November; for the county of King William, on the fourteenth day of May and eleventh day of November; for the county of King & Queen, on the twenty-eighth day of April and fifth day of November; and for the county of Essex, on the twenty-second day of April and thirtieth day of October.

9. In the ninth circuit: For the county of Stafford, on the first Mon-Ninth circuit. day of June and first Monday of November; for the county of Prince William, on the second Monday of June and second Monday of November; for the county of Alexandria, on the second Monday of May and second Monday of October; for the county of Fairfax, on the fourth Monday of May and fourth Monday of October; for the county of Loudoun, on the fourth Monday of April and fourth Monday of September; for the county of Fauquier, on the first Monday of April and first Monday of September; and for the county of Rappahannock, on the third Monday of June and the third Monday of November.

Tenth circuit.

10. In the tenth circuit: For the county of Culpeper, on the first Monday of June and the first Monday of November; for the county of Madison, on the second Monday of May and the second Monday of October; for the county of Greene, on the third Monday of June and the third Monday of November; for the county of Orange, on the first day of May and first day of October; for the county of Albemarle, on the third Monday of May and third Monday of October; for the county of Louisa, on the tenth day of April and tenth day of September; for the county of Fluvanna, on the first day of April and first day of September; and for the county of Goochland, on the twentieth day of April and twentieth day of September.

Eleventh circuit.

11. In the eleventh circuit: For the county of Nelson, on the twenty-seventh day of April and twenty-seventh day of September; for the county of Amherst, on the twenty-second day of March and twenty-second day of August; for the county of Rockbridge, on the twelfth day of April and twelfth day of September; for the county of Augusta, on the first day of June and first day of November; and for the county of Bath, on the fifteenth day of May and fifteenth day of October.

Twelfth circuit.

12. In the twelfth circuit: For the county of Pendleton, on the second day of May and second day of October; for the county of Highland, on the eighth day of May and eighth day of October; for the county of Rockingham, on the fifteenth day of May and fifteenth day of October; for the county of Page, on the fourteenth day of April and fourteenth day of September; for the county of Shenandoah, on the fourth day of April and fourth day of September; for the county of Warren, on the thirtieth day of March and thirtieth day of August; and for the county of Hardy, on the twenty-first day of April and twenty-first day of September.

Thirteenth cir-

13. In the thirteenth circuit: For the county of Clarke, on the twelfth day of May and twelfth day of October; for the county of Frederick, on the fifteenth day of June and fifteenth day of November; for the county of Hampshire, on the tenth day of April and tenth day of September; for the county of Morgan, on the sixth day of May and sixth day of October; for the county of Berkeley, on the twenty-seventh day of April and twenty-seventh day of September; and for the county of Lefferant, on the circlesorth day of May and circlesorth day of October

Fourteenth cir-

of April and twenty-seventh day of September; and for the county of Jefferson, on the eighteenth day of May and eighteenth day of October.

14. In the fourteenth circuit: For the county of Monroe, on the second Monday after the fourth Monday in the months of April and September; for the county of Greenbrier, on the third Monday after the fourth Monday in the same months; for the county of Pocahontas, on the twenty-third day of April and twenty-third day of September; for the county of Alleghany, on the sixteenth day of April and sixteenth day of September; for the county of Botetourt, on the first day of April and first day of September; for the county of Roanoke, on the Thursday after the third Monday in March and August; and for the county of Craig, on the first Monday after the fourth Monday in April and September.

Fifteenth circuit.

15. In the fifteenth circuit: For the county of Giles, on the twenty-first day of April and twenty-first day of September; for the county of Mercer, on the sixteenth day of April and sixteenth day of September; for the county of Raleigh, on the eleventh day of April and eleventh day of September; for the county of Wyoming, on the twenty-ninth day of April and twenty-ninth day of September; for the county of Logan, on the fourth day of May and fourth day of October; for the county of Boone, on the twelfth day of May and twelfth day of October; for the county of Fayette, on the third day of April and third day of September; and for the county of Nicholas, on the twenty-eighth day of March and twenty-eighth day of August.

16. In the sixteenth circuit: For the county of Grayson, on the second Sixteenth circuit. Monday of April and second Monday of September; for the county of Carroll, on the first Monday of April and first Monday of September; for the county of Wythe, on the third Monday after the fourth Monday of April and September; for the county of Floyd, on the Monday before the first Monday in April and September; for the county of Pulaski, on the fourth Monday of April and fourth Monday of September; and for the county of Montgomery, on the third Monday of April and third Monday of September.

17. In the seventeenth circuit: For the county of Smyth, on the se-Seventeenth circond Monday after the fourth Monday of April and September; for the cuit. county of Tazewell, on the first Monday after the fourth Monday of April and September; for the county of Washington, on the Monday before the first Monday in April and September; for the county of Russell, on the fourth Monday of April and fourth Monday of September; for the county of Scott, on the third Monday of April and third Monday of September; and for the county of Lee, on the second Monday of April and second Monday of September.

18. In the eighteenth circuit: For the county of Wayne, on the first Eighteenth circuit: Ay of April and first day of September; for the county of Cabell, on cuit. the eighth day of April and eighth day of September; for the county of Mason, on the twenty-sixth day of April and twenty-sixth day of September; for the county of Jackson, on the sixth day of May and sixth day of October; for the county of Putnam, on the eighteenth day of April and sixtheapth day of September; and for the county of Kapanaha. April and eighteenth day of September; and for the county of Kanawha, on the seventeenth day of May and seventeenth day of October.

19. In the nineteenth circuit: For the county of Wood, on the six-Nineteenth circuit.

teenth day of March and sixteenth day of August; for the county of cuit. Wirt, on the second day of June and second day of November; for the county of Gilmer, on the twenty-first day of May and twenty-first day of October; for the county of Braxton, on the twenty-eighth day of April and twenty-eighth day of September; for the county of Lewis, on the fifth day of May and fifth day of October; for the county of Ritchie, on the thirteenth day of April and thirteenth day of September; for the county of Doddridge, on the twentieth day of April and twentieth day of September; and for the county of Pleasants, on the sixth day of April and sixth day of September.

20. In the twentieth circuit: For the county of Hancock, on the twen- Twentieth cirtieth day of March and twentieth day of August; for the county of cuit. Brooke, on the twenty-eighth day of March and twenty-eighth day of August; for the county of Ohio, on the fourteenth day of May and fourteenth day of October; for the county of Marshall, on the fourth day of May and fourth day of October; for the county of Wetzel, on the twentieth day of April and twentieth day of September; for the county of Tyler, on the twenty-fifth day of April and twenty-fifth day of September; and for the county of Monongalia, on the eighth day of April and

eighth day of September.

21. In the twenty-first circuit: For the county of Upshur, on the twen- Twenty first cirtieth day of March and twentieth day of August; for the county of Ran-cuit. dolph, on the twenty-eighth day of March and twenty-eighth day of August; for the county of Barbour, on the twelfth day of April and twelfth day of September; for the county of Preston, on the twenty-sixth day of April and twenty-sixth day of September; for the county of Marion, en the twelfth day of May and twelfth day of October; for the county of Taylor, on the fourth day of June and fourth day of October; and fer the county of Harrison, on the first day of March and fourth day of November.

22. In the seventh circuit, the two regular terms hereinbefore men- Two civil and tioned shall be for the trial of civil cases, whether at law or in equity. two criminal Besides those terms, there shall in every year be held for the trial of crimond circuit minal causes two other terms of the circuit for the city of Richmond, When criminal and the days for their commencement shall be the seventeenth day of terms com-April and seventeenth day of October.

Where circuit courts for Richmond and Henrico to sit.

Who may appoint special terms for sixth and seventh circuits.

23. The circuit court of the city of Richmond and the circuit court for the county of Henrico shall each sit in the city of Richmond at the state courthouse.

24. When, under chapter one hundred and fifty-eight of the Code, a special term of the circuit court of the city of Richmond is to be appointed by the other judge of the district, the judge of the sixth circuit shall be deemed such other judge within the meaning of said chapter. And when a special term is to be appointed of any circuit court in the sixth circuit, the judge of the circuit court of said city shall be deemed the other judge of the district within the meaning of the same chapter.

What cases and motions may be tried at special terms.

25. The sixth and seventh sections of chapter one hundred and fiftyeight of the Code are hereby amended, so that the same, as now re-enacted with such amendment, shall read as follows: At a special term of a circuit court any cause, civil or criminal, may be tried which could lawfully have been but was not tried at the last preceding term that was or should have been held, and any motion, cognizable by such court, may be heard and determined, whether it was pending at the preceding term or not.

When and by whom circuit courts may be

26. Any term of a circuit court, whether such term be regular or special, may be held by the judge of the circuit, or if he be absent or dead, or his office from any cause vacant, by the other judge of the same district, or the person who, under the twenty-fourth section of this act, is to be deemed such, or if he be not present, by any other circuit judge who may be present. And it may be held, part of its session by one judge, and part of it by another.

Commencement.

27. This act shall be in force on and after the first day of July next.

CHAP. 67 .- An ACT concerning the jurisdiction of the circuit court of Petersburg.

[Passed May 28, 1852.]

Jurisdiction of circuit court of Petersburg.

1. Be it enacted by the general assembly, That the circuit court of the city of Petersburg shall have exclusive jurisdiction within the corporate limits of the said city in like manner and to the same extent that the circuit court of a county has within the limits of said county.

Commencement.

2. This act shall take effect from its passage.

CHAP. 68.—An ACT changing the time of holding the spring term of the circuit court for Harrison county.

[Passed April 10, 1852.]

Spring term of See ante, c. 66, § 21. Commencement.

1. Be it enacted by the general assembly, That the spring term of the Harrison county circuit court for Harrison county shall hereafter be held on the twentyeighth day of June instead of the time now required by law.

2. This act shall be in force from its passage.

CHAP. 69.—An ACT providing for the execution of judgments and decrees of courts which may cease to exist, and for the custody of their records and papers, and to prevent cases from being discontinued.

[Passed May 21, 1852.]

General court abolished.

pers transferred court of Richmond.

1. Be it enacted by the general assembly, That as to the general court, which it is hereby declared is not to continue after the first day of July Records and pa next, the papers and records of all causes and matters which on that day pers transferred to clerk of circuit shall be depending and undetermined therein, and all books, records and papers whatsoever, which on the said day may be in the custody of its clerk, shall be transferred to and remain in custody of the clerk of the Papers in appel circuit court of the city of Richmond. But the papers of those causes late causes trans and matters depending and undetermined in the general court on that ferred to clerk of appeals. day, of which the said court had appellate jurisdiction, and copies of the proceedings in said causes, shall, within one month after that day, or after the election of the first clerk of said circuit court, (whichever shall happen last,) be delivered by him to the clerk of the supreme court of appeals at Richmond.

2. The papers and records of all causes and matters which, on the Records of paraid first day of July next, shall be depending and undetermined in the pers of chancery circuit court of chancery for the county of Henrico, and all books, re-transferred to cords and papers, which on the said day may be in the custody of its circuit court of clerk, shall also be transferred to and remain in the custody of the clerk Richmond. of the said circuit court of the city of Richmond.

3. The papers and records of all causes and matters which, on the Records of cir-said first day of July next, shall be depending and undetermined in the cult court of law circuit court of law for the county of Henrico, and all books, records terred to clerk of and papers which on the said day may be in the custody of its clerk, circuit court of shall be transferred to and remain in the custody of the clerk of the circuit court of the county of Henrico.

4. The papers and records of all causes and matters depending and Records of other undetermined in any other circuit court on the said first day of July circuit courts to remain in cusnext, and all books, records and papers whatever, which on the said day tody of clerks of shall be in the custody of its clerk, shall remain in custody of the clerk those courts. of the same court, or of such court as succeeds to or has its jurisdiction.

5. Every judgment, decree or order entered in a court which shall how judgments, have ceased to exist, shall be executed by the court in custody of &c. of courts whose clerk the record of such judgment, decree or order may remain, ceased to exist, or by means of process issued from the clerk's office of the last menture to be executed. Judgment of tioned court; and to such court shall be certified every judgment, decree or howerified and cree or order of an appellate court touching any judgment, decree or how certified and order so entered, and the case shall be proceeded in as if such court had proceeded in. rendered the same.

6. Although a notice, recognizance or process shall have been given, Provision as to taken or issued before the day prescribed for the commencement of any notices, process, act passed by the general assembly at its present session, the same may nevertheless be given, taken or returnable to a day after its commencement, or to a court established by it, or the clerk's office of such court, in like manner as if such act had commenced before the same was given, taken or issued; and nothing in any act passed at the present Discontinuance session of the general assembly shall operate to discontinue any cause of cases not to take place. or matter, civil or criminal, which shall be depending and undetermined in any court on the first day of July next; but every such cause or matter shall be proceeded in, tried and determined in such court, or in the court which as to said cause or matter succeeds to or has its jurisdiction.

7. This act shall be in force from its passage.

Commencement.

CHAP. 70.—An ACT concerning the power of county and corporation courts to change the time for holding their quarterly terms.

[Passed April 20, 1852.]

Whereas it is represented to the general assembly that two of the Preamble. quarterly terms of the court of Braxton county were, at the time the Code took effect, held in the months of June and November, and that the court, under the section of chapter one hundred and fifty-seven of the Code, made an order changing the days for the commencement of said two quarterly terms to days in the months of May and October; and it is further represented that other county courts have exercised a like power as to their quarterly terms, and that doubts have been expressed as to the legality of its exercise: For remedy thereof,

1. Be it enacted by the general assembly, That in every case in which Orders of courts the court of a county or corporation has, since the Code took effect, cranging quar changing quarmade an order, or shall hereafter make an order, changing the time for galized. holding any quarterly term thereof, such order shall be deemed valid, provided all the acting justices of such county or corporation shall have Proviso.

been first summoned, and a majority concurred in such change.

2. This act shall be in force from its passage.

Commencement

CHAP. 71.—An ACT providing for the election, qualification, powers, duties and compensation of justices of the peace, clerks of circuit and county courts, attorneys for the commonwealth, sheriffs, commissioners of the revenue, surveyors, constables and overseers of the poor.

[Passed April 22, 1852.]

Election of counto take place. Clerks, survey ors, attorneys, sheriffs and commissioners of revenue to be elected.

1. Be it enacted by the general assembly, That on the fourth Thursty officers, when day in May next there shall be elected, by the voters in each county, a clerk of the county court, a surveyor, an attorney for the commonwealth, a sheriff and a commissioner, or so many commissioners of the revenue as may be authorized by law; and in each of the corporations of Richmond, Norfolk, Fredericksburg, Lynchburg, Winchester, Danville, Staunton and Williamsburg, by the voters thereof respectively, a commissioner of the revenue; in each county for which a circuit court is held, a clerk for such court; in the city of Richmond, a sheriff; in each city in which a circuit court is held, an attorney for the commonwealth and a clerk for such court; and in any other corporation in which a circuit court is held, an attorney for the commonwealth for such corporation and a clerk for such court; in any county and city for which together a circuit court is held, an attorney for the commonwealth and a clerk for such court; in each district laid off by commissioners under the act providing for districting the counties, passed April 2d, 1852, four justices of the peace; in every such district, one constable; and in every such district, by the voters without the limits of a town that provides for its poor, one overseer of the poor, or such additional number as the court of the county Terms of officers may direct; and an election shall be held in like manner on the same and time for sub-day in every sixth year thereafter for such clerks and surveyors; and sequentelections. on the same day in every fourth year thereafter for justices of the peace, attorneys for the commonwealth and overseers of the poor; and on the same day in every second year thereafter for sheriffs, commissioners of the revenue and constables: Provided, That the constables elected under

Justices, consta-bles and overseers of poor.

Constables not confined to their districts in per-forming duties. Other than those in which they were elected: And provided further, Cities and towns that the voters of the cities of Norfolk, Petersburg and Williamsburg, not to vote for and of the towns of Fredericksburg, Lynchburg, Winchester and Dansurveyors of counties.

Commissioners of revenue, how elected.

To reside in his district. rations not to sioners of counties.

Commissioners to superintend elections at courthouses. how and when appointed. Superintendents for precincts, how appointed. Officers to conduct elections, how designated. Who to act in elections to till vacancies.

Officers and superintendents, how qualified. Their powers and duties.

ties in which they are respectively located. 2. The number of commissioners of the revenue for each county shall be that prescribed by law; and there shall be elected as aforesaid, for each revenue district laid off as prescribed by law, one commissioner, who shall, during his term of office, reside in the district for which he Voters of corpo was elected, and his removal therefrom shall vacate his office: Provided, That the voters residing within any corporation, who are hereby authovote for commis-rized to elect a commissioner of the revenue for such corporation, shall nat vote for the commissioners of the revenue for the county within the

this act shall have power to perform the duties of their office in districts

ville shall not be authorized to vote for a surveyor for the several coun-

limits of which such corporation may lie.

3. On or before the first day of May next, the governor, or if he be absent from the seat of government, the lieutenant governor shall appoint three commissioners in every such county, city and corporation, who shall superintend the elections authorized by this act at the courthouses of their respective counties, cities and corporations; and said commissioners shall appoint, for each separate place of voting therein, three commissioners to superintend the election at such place of voting, and shall also designate the officers to conduct the elections at the courthouses and precincts; but in the absence of any such officer, the commissioners for any precinct shall appoint the officer to conduct the election at such precinct. The commissioners so appointed shall, until their successors are appointed, superintend all elections to fill vacancies happening in any of said offices. The said commissioners and officers shall, respectively, take the oaths, perform the duties, have the powers, be governed by the regulations and liable to the penalties prescribed by the Code of Virginia for commissioners superintending, and officers conducting elections, except so far as the same are inconsistent with the constitution or this act. The said commissioners shall employ writers, and at such rate of compensation as the court of each county or corporation may direct; and they shall respectively take an oath, to be ad-Pollkeepers, ministered by said commissioners, to record the votes faithfully and im-partially.

how employed:

4. The court of each county, and of each of the corporations of Rich-Officers and sumond, Lynchburg, Williamsburg and Norfolk, shall, before any general perintendents for election after the first authorized by this act, appoint five commissioners how appointed. to superintend and officers to conduct such election at each place of Their p voting in such county or corporation, to be subject, in all respects, to the and duties. prayisions of this act concerning the commissioners and officers mentioned in the preceding section. Nothing in this act shall be held to re- How those for peal the provisions of an act passed April twentieth, eighteen hundred Potersburg are and fifty-two, entitled "an act to elect certain state and municipal offi-appointed. cers within the city of Petersburg."

5. If only one of the commissioners appointed to superintend any of Who to act when the said elections attends, he may associate with himself any freeholder commissioners of the district who may be present; if none of the commissioners at- fail to attend. tend, or if none should have been appointed, then any three freeholders in the district where the election is held being present, and agreeing to act, shall be commissioners. Any such commissioner or commissioners, How they qualiappointed or agreeing to act in the manner prescribed by this section, fy; their power shall take the same oath, perform the same duties, have the same powers and be subject to the same penalties as if he or they had been ori-

ginally appointed.

6. The same provisions which govern the opening and closing the Polls, how ope polls in other general elections in this commonwealth, shall regulate the ed and closed.

elections provided for in this act.

7. In the case of an election of an officer by the voters of a corpora- Officers to exation, the officers conducting the same in the respective wards, or by the mine polls and voters of the whole county, the officer conducting the same at the courtand within what house, and in the case of an election in a district, the officer or officers time. conducting the same shall, within five days from the commencement of the election, examine the poll, ascertain the result and declare the person or persons for whom the greatest number of votes was given to be elected; or if the greatest number of votes be equal for two or more persons, the officer or officers conducting the election in each ward, county or district, shall decide forthwith by lot to whom the certificate shall be given, and he or they shall forthwith set up at the front door of the courthouse a notice of the said election.

8. The officers and other persons holding and conducting such elec-Returns of elections shall make true duplicate returns of the elections of justices of the tion of justices, peace, one of which returns shall be immediately transmitted by mail, how made and by the officer conducting said election, to the governor, and the other return shall be handed by such officer to the clerk of the county court, to be filed in his office; and the said clerk shall forthwith send a certified copy of such return to the secretary of the commonwealth. The Returns of other said officers and other persons shall make true returns of the other of-officers. Scers elected under this act, which shall be handed to the clerk of the county or corporation court, to be filed in his office.

9. The returns of the elections of justices of the peace, of clerks of Contested electhe county and circuit courts, of attorneys for the commonwealth, sur-tions, how com veyors, sheriffs, commissioners of the revenue, constables and overseers cooded in. of the poor, under this act, shall be subject to the enquiry, determination and judgment of the respective county and corporation courts, or of the county court in case the election was for a county and city, upon complaint of fifteen or more of the qualified voters of the county or corporation, or of the proper district, when the officer is elected by a district, of an undue election or false return, two of whom shall take and subscribe an oath or affirmation that the facts set forth in such complaint are true, to the best of their knowledge and belief; and the said courts shall, in judging of said elections, proceed upon the merits thereof, and shall determine finally concerning the same, according to the constitution and laws of this commonwealth, and such complaint shall not be valid, or regarded by the court, unless the same shall have been filed Time for contest within ten days after the election, in the clerk's office of the proper limited.

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a of justices.

Natice of contest to be given by

dopositions.

dice to be riven.

When and how contest to be

When commis s to be issued

Where commislone are filed. Qualification of

First court, when nd where to mont.

how chosen. Required to at-If not selected at first court, how afterwards.

Vacancy in presiding justice. when made.

Clerks of county er circuit com pro tempore, when and how ointed. Writ of election to supply vacancy.

Writs of election to supply vacan-Scers, how is-

Commissioners and officers to

m of con- court; and when the complaint is of the undue election or false return of a justice of the peace, the clerk of the said court shall immediately certify to the governor the decree of said court when made, and in whose favor such contested election shall have terminated, and the governor shall then commission such person in whose favor such contested election terminated; and in said last mentioned contested elections, in case such complaint be filed in due time, the clerk shall transmit by mail immediately to the governor a certified copy thereof; and in such case, no commission shall be issued until the court shall have determined and ad-Court for trial of judged on such complaint as aforesaid: Provided honcever, That when the complaint is of the undue election and false returns of a justice of constituted, the peace, all the justices composing the court shall be summoned for the trial of the complaint, and a majority of those not interested in the contest shall be present.

10. In every case, the party whose election is contested shall, within ten days after the complaint, be served with a copy of the complaint, and notice of the contest in the manner prescribed by the first section turbority to take of chapter one hundred and sixty-seven of the Code of Virginia. Upon notice of the complaint being given, as provided for in this section, each party shall be at liberty to proceed to take all proper depositions to sustain or invalidate said election, upon reasonable notice to the adverse party, and the court shall proceed, at the first session after the said complaint is made, to determine said contest, without a jury, upon evidence thus furnished, and upon oral testimony, if any, unless good cause be shewn for a continuance.

11. The governor shall issue commissions on the thirtieth day after the election (or as soon thereafter as may be, for justices of the peace under this act,) shall have been held, to such persons as shall appear to be duly elected, which shall be filed in the clerk's office of the county court; and every justice, after he has been commissioned, shall, before he enters upon the performance of any of the duties of his office, be qualified as now prescribed by law.

12. The justices of the peace, so elected and commissioned, shall meet

at their respective courthouses on the days now established by law for holding courts in their respective counties, next succeeding their election and commission; and if a majority of these elected for the county be Presiding justice, present, and commissioned, and qualify, they shall proceed to choose one of their own body, who shall be the presiding justice of the court, and whose duty it shall be to attend each term of said court: a record shall Record of court's be made of the action of the court. If from any cause such election should not be made on that day, a summons shall be made for the justices to appear at the next court, when, if a majority be present, such selection shall be made: the vote of a majority of those present being necessary for a choice. When the office of presiding justice becomes vacant from any cause, the court shall, all the justices being summoned, how supplied. vacant from any cause, the court shair, an the justice of that court; and at Classification of and a majority present, select a presiding justice of that court; and at estices, how and the first session of a county court thus elected, and at the first session of every such court after a general election, or so soon as may be, all the justices being summoned, the court shall classify the justices for the performance of their duties in court; and whenever a vacancy shall occur

> place in said classification of the justice who preceded him. 13. If a vacancy occurs in the office of clerk of any such court, a clerk pro tempore may be appointed by the court, or, if the vacancy is in the office of clerk of a circuit court, by the judge thereof in vacation; and such court or judge, at the time of making such appointment, shall or-der a writ of election to fill the vacancy. The clerk pro tempore shall

> in any district, the justice elected to supply the vacancy shall occupy the

discharge the duties of the office until a clerk is elected and qualified.

14. Whenever a vacancy shall occur in the number of justices which each district is authorized to elect, and in any of the other offices, elections to which are provided for in this act, other than those mentioned in the preceding section, the county or corporation court shall order a writ of election to supply the said vacancy; and the county and corporation courts, as provided for in the second and third sections of this act,

shall appoint commissioners and officers with the same powers and du-superintend and ties as those appointed to superintend the general elections of said offi-conduct eleccers; and the said elections shall be held and conducted, and the returns Elections for vamade, and contests conducted and decided, in the same manner as in cancles, how congeneral elections of said officers: Provided, If the vacancy be in the of-ed elections, face of attorney for the commonwealth in a circuit court held for a city how.

or corporation, or for a county and city together, the hustings court of Writ of election for common the city or corporation in the first case, and in the other case the county wealth's attorcourt, shall order the writ of election.

15. The officer or officers to whom any such writ of election is directed, Notice of special shall give notice thereof, and of the time of electious, by advertisement elections, how at two of the most suitable places in the district, where it is a district given. election: Provided, That when it is a county election, the advertisement

shall be made in each district.

16. The removal of a clerk of the circuit or county court, of a sheriff How Clerks, sh or surveyor from the county in which he was elected, shall be a vacation riffs and survey of his office; and the removal of an overseer of the poor or constable or waste office. from the district in which he is elected, shall vacate the office to which of poor and combe was elected. But the clerk of a circuit court now residing beyond stables.

Exception in fathe limits of the county in which he holds the office, may be re-eligible, vor of clerks of

and if elected, may continue to reside out of that county. 17. The office of justice of the peace shall be deemed vacant, not How justice vaenly when he dies, resigns or is removed from office, but also when he cates his office.

See post, c. 73, fails to qualify within thirty days after he receives his commission, or $\frac{5}{6}$ 2.

shall remove from the district in which he is elected. ; 18. The term of office of the commissioners of the revenue shall com- when officers'

mence on the first day of February next succeeding the election. The terms com-term of office of the other officers whose election is provided for in this see post, c. 73, act shall commence on the first day of July next succeeding the election; § 1. and the clerks of the circuit and county courts and the surveyor shall Term of office of continue in office for the term of six years; attorneys for the common-several officers. wealth, justices of the peace and overseers of the poor, for the term of

four years; sheriffs, commissioners of the revenue and constables, for two years from that day, unless sooner removed.

19. The officers aforesaid shall, before entering upon the discharge of Oathe and bonds their respective duties, take the oaths of office prescribed by the Code of of officers. Virginia, and give all such official bonds as are now required of any minister ostes. The official bonds and oaths required to be administered and take bonds. such officers. and executed in any circuit court, may be taken by or before the judge of auch court in vacation, who shall cause to be entered of record in such court the proper orders evidencing the due qualification of any such officer, and shall certify the official bonds to the proper officers for record. Every such officer shall, either in the proper court or before a judge as Within what aforesaid, take such oaths and give such bonds within sixty days after time officers to his election; and if he fail so to do, his office shall be deemed vacant, bond. but his qualification, unless he be elected to fill a vacancy, shall not be When qualification to take effect before the first day of July next after his election feet.

20. The clerks of the circuit and county courts and sheriffs may, as Deputies of now provided, appoint deputies, with the same powers, duties, liabilities, clerks and sheriffs, how sponted.

21. The powers and duties of clerks of the circuit and county courts, Their powers sheriffs, commissioners of the revenue, attorneys for the commonwealth, Powers and duties.

surveyors, overseers of the poor and constables, shall be such as were ties of officers. prescribed for those officers by the laws in force when the constitution was adopted, so far as the same are consistent with this act, and such as now are or may be hereafter prescribed by law. And for misconduct or renalties for

neglect of duty, they shall be liable to the penalties now prescribed by misconduct or neglect of duty. law. 22. There shall be in each county of the commonwealth, in four of Quarterly and the months of every year, a quarterly term of every county court, and monthly terms of

in everywher month a monthly term thereof, to be held at the times and with the jarisdiction, so far as is consistent with the constitution and this act, now prescribed by law. The number of justices necessary to Courts of oyer constitute a court of oyer and terminer, a court of examination and and terminer,

and in criminal cases, how conatituted Courts in other Cases.

courts in all criminal prosecutions, shall be the same as now prescribed by law. In all civil cases, and in matters of county police, and in all other cases, except criminal, the presiding justice and two other justices of the county, or in the absence of the presiding justice, any three justices of the county, may constitute a court, except where it is now provided that more than four shall be necessary to constitute a court; in which case, the number now provided shall be necessary: Provided also, Court for county That where a county levy is to be made, all the justices shall be sum-

Summoning of justices.

moned: Provided moreover, That nothing herein contained shall be construed as repealing any of the laws now in force requiring the summoning of all the justices to give validity to any action of the court.

23. The jurisdiction of justices shall be as now or may hereafter be

Jurisdiction of justices. See post, c. 72. Clerks and attorneys, how re-moved from of

prescribed by law.

24. The county and the circuit courts shall have power to remove their clerks from office for malfeasance, misfeasance, or gross neglect of cation of the office.

Compensation of justices.

official duty. And for the same causes the county courts, and any circuit court held for a city or a county and city, which city elects or which county and city elect an attorney for the commonwealth, may remove the attorneys for the commonwealth: such removal to be deemed a va-25. The justices of the peace shall receive three dollars per day for each day they shall render services in court and remain members of it during the entire sitting of the court for any such day, to be paid out of

the county treasury. And for taking depositions, for taking and certify-

ing the acknowledgment of any deed or writing, or taking and certifying the privy examination and acknowledgment of a married woman,

Their feca.

Allowances to commonwealth's attorneys.

Their fees.

county of Henrico. Fees and allowances of clerks and other officers.

Repealing clause.

they may charge, to be paid by the person for whom the service is rendered, the same fees now allowed by law to a notary public. county and the circuit courts shall provide for allowances to the commonwealth's attorneys, as they are now authorized to do by law, and the fees of said attorneys shall remain as now provided for, except that Attorney for city the attorney for the circuit court of Richmond city shall hereafter reof Richmond and ceive annually the sum of three hundred and seventy-five dollars, and the attorney for the circuit court of Henrico the sum of one hundred dollars annually. The fees and allowances for clerks of the circuit and county courts, of sheriffs, constables, commissioners of the revenue, surveyors and overseers of the poor, shall be as now provided by law.

26. All acts and parts of acts relating to the appointment, duties, liabilities and powers of the officers, whose elections are provided for in this act, now in force, inconsistent with this act, are hereby repealed.

27. This act shall be in force from its passage. Commencement.

> CHAP. 72.—An ACT extending the jurisdiction of justices of the peace. [Passed June 1, 1852.]

Jurisdiction of justices in-

1. Be it enacted by the general assembly, That the first section of chapter one hundred and fifty of the Code of Virginia shall be and is hereby See Code, p. 505. amended, so that the said section, as re-enacted with such amendment, For what justice shall hereafter read as follows: Any claim to property or to any debt, has jurisdiction. Give or other money which would be recoverable by action at law or fine or other money, which would be recoverable, by action at law or suit in equity, if of greater value or amount than fifty dollars, (exclusive of interest,) shall, when the claim is to a fine, if it be limited to an amount not exceeding twenty dollars, and in other cases, if the claim be not of greater value or amount than fifty dollars, (exclusive of interest,) be cognizable by a justice: and even if the claim be for or against the town or county in which such justice resides. But in every case where the sum or thing in controversy exceeds the amount or value of twenty dollars, the justice shall, upon the application of the defendant, at any time before trial, remove the cause to the court of the county or corporation wherein the same shall be brought, and the clerk of the said court shall docket the same, and it shall be proceeded in as if it were a motion in said court, under the fifth section of chapter one hundred and sixty-seven, of which the notice was docketed at the time such case is so docketed.

When case may be removed to COURT.

Proceedings in See Code, p. 640.

2. The seventh section of said chapter one hundred and fifty of the How execution Code is hereby amended, so that the said section, as re-enacted with such stayed. amendment, shall read as follows: If a judgment of a justice be for a mm exceeding ten dollars, and not exceeding twenty, exclusive of interest and costs, the justice rendering it may stay an execution on it forty days from its date; if said judgment be for a sum exceeding twenty dollars and not exceeding thirty, he may stay execution on it sixty days from its date; and if said judgment exceed thirty dollars, he may stay execution on it ninety days from its date, on such security being given in either case for its paymeut, as he may deem sufficient. From any How appeals are judgment of a justice said justice may, within ten days, allow an appeal, allowed on such security being given, as he approves, for the payment of the judgment, and all costs and damages, (if it be affirmed.) The verbal ac- Acknowledgknowledgment of any surety taken under this section shall be sufficient, ment of surety and the endorsement by the justice of the name of such surety upon the warrant on which the judgment is rendered, shall be conclusive evidence of such acknowledgment. The court in which the appeal is cognizable How additional may, on metion, for good cause shewn, require the appellant to give new security reor additional security, reasonable notice of such motion having been given to said appellant; and if he fail to give such security, the appeal shall be dismissed with costs, and the court shall award execution on the adgment rendered by the justice with costs, against the appellant and his surety.

3. This act shall be in force from its passage.

Commencement

CHAP. 73.—An ACT concerning the term of office and qualifications of justices of the peace and certain other officers of counties and corporations.

[Passed June 7, 1852.]

1. Be it enacted by the general assembly, That the eighteenth section Act for election of the act passed on the twenty-second day of April eighteen hundred of county officers and fifty-two, entitled "an act providing for the election, qualification, amended amended and fifty-two, entitled "an act providing for the election, qualification, amended amended and county courts, attorneys for the commonwealth, sheriffs, commissioners of the revenue, surveyors, constables and overseers of the poor," shall be and is hereby amended, so that the said section, as remacted with such amendment, shall read as follows: The term of office of the justices of the peace, commissioners of the revenue and other justices, when to efficers elected at the first or any other regular election under this act, shall commence as follows: Justices of the peace on the first day of August, commissioners of the revenue on the first day of February, and Of other officers. the other officers on the first day of July next succeeding such election: everseers of the poor shall be elected for the term of four years, and Duration of their constables and commissioners of the revenue for the term of two years. offices.

2. That the seventeenth section of said act shall be and is hereby smended, so that the said section, as re-enacted with such amendment, shall read as follows: The office of justice of the peace shall be How justice vadeemed vacant, not only when he dies, resigns or is removed from cates his office. office, but also when he removes from the district in which he is elected or fails to qualify within thirty days after he receives his commission; but his qualification, unless he is elected to fill a vacancy, shall not be When his qualification takes effect.

3. This act shall be in force from its passage.

Commencement.

CHAP. 74.—An ACT concerning the bonds of clerks of courts.
[Passed April 20, 1852.]

1. Be it enacted by the general assembly, That the tenth section of Bond required of chapter one hundred and sixty-three of the Code of Virginia is hereby clerks.

amended, so that the same, as now re-enacted with such amendment,

shell read as follows: Every court shall take from its clerk (unless he Penalty of bond.

be there pro tempore,) bond in a penalty of not less than three nor more than ten thousand dollars; and a court may at any time require of and

Copytransmitted take from its clerk a new bond. Every clerk shall, within two months to auditor. after the execution of his bond, transmit a copy thereof to the first audi-

Where original is tor, and deliver the original as follows: The bond of the clerk of a recorded. county or corporation court, to the clerk of the circuit court having jurisdiction over such county or corporation; the bond of the clerk of a circuit court of a county or corporation, to the clerk of the county or corporation court thereof; and the bond of each clerk of a district court, and of each clerk of the court of appeals, to the clerk of the court of the county or corporation wherein the court sits whose clerk has given

Penalty for not complying with the bond. Every such bond shall, by the clerk to whom it is delivered, be recorded forthwith. Any clerk who shall fail to do what is required of him by this section shall pay a fine of not less than one hundred nor more than five hundred dollars.

Commencement.

2. This act shall be in force from its passage.

CHAP. 75 .- An ACT to amend the 11th section of chapter 163 of the Code of Virginia, so as to authorize the appointment in vacation of deputy clerks of circuit courts.

[Passed June 7, 1852.]

ppointment of deputy clerks. Cede, p. 631.

1. Be it enacted by the general assembly, That the eleventh section of chapter one hundred and sixty-three of the Code of Virginia is hereby re-enacted and amended, so as hereafter to read as follows: Any clerk of a court may with its consent, or if he be clerk of a circuit court, with the consent in writing of the judge thereof in vacation, appoint a deputy, who, during his continuance in office, may discharge any of the duties of the clerk. He may be removed from office either by the clerk or court.

How removed from office.

Commencement

2. This act shall be in force from its passage.

CHAP. 76.—An ACT concerning the clerk of the corporation court of Staunton. [Passed May 27, 1852.]

Presmble.

Whereas it is represented that the term of office of James F. Patterson, as clerk of the corporation court of Staunton, expired on the fifth day of February last, and by inadvertence he continued to act as such clerk, without reappointment, until the seventh day of April eighteen hundred and fifty-two. 1. Be it enacted by the general assembly of Virginia, That all acts and

Official acts of

Official acts of clerk of hactings things which have been done and performed by James F. Patterson, as clerk of the corporation court of Staunton, on and since the fifth day of February last, and until the seventh day of April eighteen hundred and fifty-two, shall be held good and valid in law, to all intents and purposes, in like manner as if the said James F. Patterson had been duly reappointed clerk of said court on the day of the expiration of his late term of office: Provided, That nothing herein contained shall in any manner affect any pending action, suit or other controversy, growing but of any act or thing which has been or may be done and performed, or omitted to be done and performed by him as clerk of said court during or omitted to be done and performed by him as clerk of said court during

the said interval. 2. This act shall be in force from its passage.

CHAP. 77.—An ACT concerning the fees of clerks, for services performed before the 1st day of July 1852.

[Passed June 7, 1852.]

Clerks not reap pointed, allowed access to books and papers to make out fee bills.

Commencement

1. Be it enacted by the general mesembly, That in any case in which fees are chargeable by a clerk, for services performed before the first day of July next, the person entitled to said fees, although not reappointed clerk, shall after that day have free access to the books and papers in the clerk's office, for the purpose of making entries in a fee book and making out fee bills for said services, and shall have the same power to make out and sign such fee bills, and the same means to enforce the collection thereof, and the same remedy against officers for failing to collect and account for said fee bills, as if said person were still in the

Remedy for colocting fees.

d

office of clerk. 2. This act shall be in force on and after the first day of July next. Commencement.

CHAP. 78.—An A T prescribing the time for the delivery of fee bills, and concerning the collection thereof.

[Passed June 7, 1852.]

1. Be it enacted by the general assembly, That the twenty-first section when and to of chapter one hundred and eighty-four of the Code of Virginia shall when fee and its contract of the code of virginia shall when fee and the code of virginia shall when feel is the code of virginia sha be and is hereby amended, so that the said section, as re-enacted with collection. such amendment, shall hereafter read as follows: Any officer mentioned Code, p. 700. in this chapter, or the personal representative of a deceased clerk, may, after the first day of January, and before the first day of August in any year, deliver fee bills, duly signed, to any sheriff or collector of the public taxes, who shall receive and endeavor to collect the same. A sheriff Power and duty or collector may distrain therefor or for any bills due himself, such pro-ficer. perty of the person to whom the fees are charged, as might be levied on, under a writ of fleri fucius against him, except as hereinafter mentioned; and the eleventh, twelfth and thirteenth sections of the thirty- See Code, p. 196.

Commencement

exth chapter shall apply to such fee bills in like manner as to taxes. 2. This act shall be in force from its passage.

CEAP. 79.—An ACT requiring the county surveyor to file certain papers with the clerks of the county courts.

[Passed May 26, 1852.]

1. Be it enacted by the general assembly, That every county surveyor When surveyors shall, within two months from the expiration of a year after any survey to make returns which he shall hereafter make in pursuance of an entry, under a land land warrants to office treasury warrant, deliver to the clerk of the county court of his clerks of courts county, to be by him filed and preserved, a copy of each entry, plat and certificate of such survey; and the county surveyor may examine and Allowed to make copies of returns take copies of the same without fee.

2. If any county surveyor fail to perform the duty required of him by Penaky on surveyor for failing this act, he shall forfeit one hundred dollars.

without fee. to make retus Commences

3. This act shall be in force from its passage.

Char. 80.—An ACT concerning money paid into court, and providing for the appointment of general receivers, and for the settlement of receivers' accounts.

[Passed June 3, 1852.]

1. Be it enacted as follows: It shall be the duty of the clerks of the Glerks to report to their courts, corporation and circuit courts to report to their respective courts, statements of most the first term thereof after the first day of July next, a statement, which next paid to shall show, in separate columns, the name of the suit or other proceed. Credit of suits. ing in which any money has been heretofore paid into court, or into bank to contain. or other place of deposit, or to any person specially appointed to receive the same under any judgment, order or decree of such court, and which money remains undisbursed, in whole or in part, at the date of such report; the date of such judgment, order or decree; the date of such payent; the amount so paid and remaining undisbursed; the peson by whom it was paid; the person to whom, or the bank or other depository into which the payment was made: if such money or any part thereof has been loaned out, or remains on deposit, or in the hands of the receiver; and if loaned out, the date of the order authorizing the loan; the date of the loan; the person to whom it was made, and who then helds it: if security has been given therefor, the nature of the security; and where secured by bond or other obligation, the penalty thereof, and the names of the principal obligor and his sureties.

2. Each of the said courts may appoint a general receiver of the Receivers of court, who shall hold his office at its pleasure, and whose duty it shall courts, how be, unless it be otherwise specially ordered, to receive, take charge of, duty. and invest in certificates of debt of the state of Virginia, or in such stock or other security as the court may specially order, and in the manser required by such order, all moneys heretofore paid into court, or into bank or other place of deposit, and now standing subject to the order of each court, and all moneys hereafter so paid under any judgment, order er decree of the court, and also to pay out or dispose of the same as the

orded.

tansmitted take from its clerk a new bond. Every clerk after the execution of his bond, transmit a copy ere original is tor, and deliver the original as follows: T county or corporation court, to the clerk jurisdiction over such county or corporation

circuit court of a county or corporation.

corporation court thereof; and the bond and of each elerk of the court of app the county or corporation wherein the Every such bond shall, he the bond.

enalty for not omplying with Any clerk . be recorded forthwith. of him by this section shall pay a ct. more than five hundred dollars.

2. This act shall be in force for Commencement

CHAP. 75.—An ACT to amend Virginia, so as to authorize ti

circuit courts. 1. Be it enacted by the

Appointment of deputy clerks. chapter one hundred a re-enacted and amen Code, p. 631. of a court may with it

the consent in writ: puty, who, during . duties of the clerk How removed from office. or court. 2. This act Commencement

Снар. 76.—Ап

Proamble.

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1 x 225 time he shall fail to invest any sum of The space of sixty days to have been received by him, or shall wan a nocey, when required by the court to pay A SLY days after it shall come into his hands

a with interest To whee such money was or ought to have been reavestment or payment is made, unless, upon 17 W THE COURT. it shall order otherwise. and the ever before the court a hond, to be approved by we see court may direct, sufficient at least to cover

, and was way come into his hands in any one year. was a compensation for his services such per centum AR an recived and invested or paid out by him as the court The receiving one per centum on such amount, for receiving

pressure or we parting out the same. R albi in the account, or to make out and return the the fifth section of this act, he shall be subject to me was that one bundred nor more than one thousand dollars,

moved by the court at its discretion; and the condition of his with some to taken to embrace the liability of himself and his The recreet on all loans made to individuals under an order of mercive et acreafter prior to the first day of January eighteen

merine and hir three shall become due and payable on that day, and at the art day of January in each and every year thereafter, prose sal is pasi; and the interest on all such loans, made after T of lasaury expireen hundred and fifty-three, shall become and the aret day of January next after the loan shall be

"aid; and unless the interest is paid at Compound intecompound interest shall be charged rest. me until payment thereof is made. parterly term, and each circuit court, when and how day of January next, and annually at accounts of re-. ... after, by an order entered of record, and settled. ners in chancery, other than the comen appointed general receiver thereof, to of all the receivers of such court, both geall persons to whom any money has been of the court, or who have money subject to the and which then remains undisbursed. The Duty of clerk of and furnish to such commissioner a copy of the or-court. list appended thereto, exhibiting the names of all The said commissioner shall summon such How receivers persons. isons, or the personal representatives of such of them are summoned fore him, and audit, state and settle their accounts, and and their accounts audited. are to the county court within six months, or to the circuit Settlement, when ext term after such order has been made; and he shall ap-reported to report a statement, shewing in separate columns all the mat-Report of com-red to be shewn by the clerk in the statement mentioned in the missioner, what .ion of this act. He shall also cause the bonds of the receivers Bonds and secucourt, and the bonds or other securities given for any money rities to be produced before him, and duced to commissioner. all ascertain if the obligors in such bonds, or if such other securities are sufficient, and report thereon to the court at the times before men-

tianed. The court shall examine the reports required by the first and ele-Courts to examath sections of this act, when the same are made to it; and if satis-mine reports on receivers' acfied of the correctness thereof, shall order them, by endorsements thereon, counts. be recorded; and if it appears from the report of the commissioner How receivers ust amy bond of a receiver, or any bond or other security given by any and others may be required to be required to the security given by any and others may be required to be required to the security given by any and others may be required to the security given by any any and others may be required to the security given by any any and other may be required to the security given by any any and the security given by any and the security given by any any and any any and any any and any any any and any any any and any any any any and any any any any and any any any any any any and any any any any be court shall order additional security to be given, or another bond to security or new sureties. But the execution of such new bond shall not discharge Liability of sesurcties in any prior bond from their liability for acts of the principal curities.

or done previous to the execution of such new bond. Each clerk of the said courts respectively shall procure, at the Clerks to keep sese of his county, a book, to be called the "Receivers' Book," receivers erein he shall record the said reports, when approved by the court; dex it. he shall make an index thereto, showing the style of the suit or or proceeding in which money has been paid as aforesaid, and the whore any report respecting the same is recorded; and the said Receivers book k shall be open to the examination of any person interested, or his may be examined **pel, without the payment of any fee therefor.**

For making the report required by the first section, and for re-Fees of clerks ng the reports required by the eleventh section, said clerks may for their services. ge, in each case mentioned in such report, a fee of eighteen cents: **be chargeable to any party in the case seeking to recover the money** rein and mentioned in the report; and said commissioners may rge, for the reports made under the eleventh section, the same fees alby law to commissioners in chancery for other reports, to be paid Lef the fund in court, and charged to the respective cases therein, in proportions as the court shall judge right.

This act shall be in force from its passage.

to contain.

Commencement

P. 81.—An ACT authorizing circuit judges in vacation to appoint commissioners in chancery or for stating accounts.

[Passed June 5, 1852.]

. Be it enacted by the general assembly. That the judge of any cir-Commissioners tempt empowered to appoint commissioners in chancery, or for in chancery, or for for stating acer accounts, may in vacation appoint such commissioners, with as counts, may be

court may order or decree: and to this end, the general receiver shall have authority to check for, receive and give acquittances for all such moneys.

Receiver's power over stocks and securities.

3. The certificates of debt of the state of Virginia, or any stock or other security in which, under the special orders of the court, such investments may be made, shall be taken in the name of the general receiver, and be kept by him, unless otherwise specially ordered; and he shall have power to sell, transfer or collect the same, when ordered by the court to do so, but not otherwise; and in case of his death, resignation or removal, his successor, or any person specially appointed by the court for that purpose, shall have like power.

Power to collect and invest dividends and inte-

4. The general receiver shall collect the dividends and interest on all certificates of debt, stock or other security in which investments have been or may be made under the orders or decrees of his court, or the provisions of this act, when, and as often as the same may become due and navable thereon, and shall invest the same in certificates of debt of the state of Virginia, unless the court has ordered or decreed some other investment or disposition to be made thereof; in which case, he shall invest or dispose of the same as the court shall have ordered or decreed.

His account, how

His report to

5. He shall keep an accurate and particular account of all moneys received, invested and paid out by him, shewing the respective amounts to the credit of each case in the court, and designating in the items the judgments, orders or decrees of court under which the respective sums have been received, invested or paid out; and on the first day of each urt, when and quarterly term of the county court, and on the first day of each regular how to be made. term of the circuit court, he shall report to his court a general statement, shewing the balances to the credit of each case in the court in which money has been received by him, the manner in which it is invested, the amounts received, invested or paid out since the next preceding term of the court, and the whole amount then invested and subject to the future Required to make order of the court; and he shall, at any time when required by the court so to do, furnish a statement of the amount subject to the order of the

special stateente.

Liability for funds received. court in any case pending therein. 6. He shall be liable for all moneys which may come into his hands as general receiver; and if at any time he shall fail to invest any sum of money, as required by the preceding sections, for the space of sixty days after the same shall be or ought to have been received by him, or shall fail to pay out any sum of money, when required by the court to pay the same, for the space of sixty days after it shall come into his hands for the purpose of such payment, he shall be charged with interest thereon, from the day when such money was or ought to have been received by him, until such investment or payment is made, unless, upon good cause shewn to the court, it shall order otherwise.

Bond required of receiver.

7. He shall annually give before the court a hond, to be approved by it, in such penalty as the court may direct, sufficient at least to cover the probable amount which may come into his hands in any one year.

His compensa-

8. He shall receive as a compensation for his services such per centum of the amount received and invested or paid out by him as the court may direct, not exceeding one per centum on such amount, for receiving and investing or for paying out the same.

Penalty for failg to make out to court.

9. If he shall fail to keep the account, or to make out and return the account or report statements required by the fifth section of this act, he shall be subject to a fine of not less than one hundred nor more than one thousand dollars, to be imposed by the court at its discretion; and the condition of his official bond shall be taken to embrace the liability of himself and his sureties for any such fine.

When interest on loans to be paid.

10. The interest on all loans made to individuals under an order of court, heretofore or hereafter, prior to the first day of January eighteen hundred and fifty-three, shall become due and payable on that day, and annually on the first day of January in each and every year thereafter, When compound until the principal is paid; and the interest on all such loans, made after interest charge the first day of January eighteen hundred and fifty three, shall become due and payable on the first day of January next after the loan shall be made, and annually on the first day of January in each and every year

thereafter, until the principal is paid; and unless the interest is paid at Compound intethe time it becomes due and payable, compound interest shall be charged rest. thereon to the borrower from such time until payment thereof is made.

11. Each county court, at its first quarterly term, and each circuit court, When and how at its regular term after the first day of January next, and annually at accounts of rethe same terms in each year thereafter, by an order entered of record, and settled. shall require one of its commissioners in chancery, other than the commissioner who may have been appointed general receiver thereof, to state and settle the accounts of all the receivers of such court, both general and special, and of all persons to whom any money has been loaned under the order of the court, or who have money subject to the fature order of the court, and which then remains undisbursed. The Duty of clerk of clerk of the court shall furnish to such commissioner a copy of the or-court. der so made, with a list appended thereto, exhibiting the names of all such receivers and persons. The said commissioner shall summon such How receivers receivers and persons, or the personal representatives of such of them are summoned as are dead, before him, and audit, state and settle their accounts, and counts audited. report the same to the county court within six months, or to the circuit Settlement, when court at its next term after such order has been made; and he shall ap-reported to pend to the report a statement, shewing in separate columns all the mat-Report of commerce required to be shewn by the clerk in the statement mentioned in the missioner, what first section of this act. He shall also cause the bonds of the receivers Bonds and secuof the court, and the bonds or other securities given for any money rities to be prohall ascertain if the obligors in such bonds, or if such other securities are sufficient, and report thereon to the court at the times before menmed.

12. The court shall examine the reports required by the first and ele-Courts to exaweath sections of this act, when the same are made to it; and if satis-mine reports on fied of the correctness thereof, shall order them, by endorsements thereon, counts. to be recorded; and if it appears from the report of the commissioner How receivers that any bond of a receiver, or any bond or other security given by any and others may be required to parson to whom money has been loaned under its order, is insufficient, give additional the court shall order additional security to be given, or another bond to security or new be executed before it, in such penalty as may seem right, and with sufficient sureties. But the execution of such new bond shall not discharge Liability of security or new bond. the sureties in any prior bond from their liability for acts of the principal curities. ligor done previous to the execution of such new bond.

13. Each clerk of the said courts respectively shall procure, at the Clerks to keep

expense of his county, a book, to be called the "Receivers' Book," receivers' book; wherein he shall record the said reports, when approved by the court; dex it. and he shall make an index thereto, shewing the style of the suit or ether proceeding in which money has been paid as aforesaid, and the page whore any report respecting the same is recorded; and the said Receivers' book shall be open to the examination of any person interested, or his without fee. counsel, without the payment of any fee therefor.

14. For making the report required by the first section, and for re-Fees of clerks carding the reports required by the eleventh section, said clerks may for their services. charge, in each case mentioned in such report, a fee of eighteen cents: to be chargeable to any party in the case seeking to recover the money therein and mentioned in the report; and said commissioners may charge, for the reports made under the eleventh section, the same fees allewed by law to commissioners in chancery for other reports, to be paid out of the fund in court, and charged to the respective cases therein, in proportions as the court shall judge right.

15. This act shall be in force from its passage.

Commencement

Cmap. 81.—An ACT authorizing circuit judges in vacation to appoint commissioners in chancery or for stating accounts.

[Passed June 5, 1852.]

1. Be it enacted by the general assembly, That the judge of any cir-Commissioners court empowered to appoint commissioners in chancery, or for in chancery, or for for stating acstating accounts, may in vacation appoint such commissioners, with as counts, may be appointed by judge in vaca-Commencement. much effect as the court could appoint them; and they shall have the like powers.

2. This act shall be in force from its passage.

CHAP. 82.—An ACT concerning the fees of commissioners in chancery in the corporations of Richmond and Norfolk.

[Passed June 1, 1852]

Fees of commissioners in chancery in Rich-

1. Be it enacted by the general assembly. That a commissioner in chancery, residing in the city of Richmond or city of Norfolk, may mond or Norfolk, charge, for services which might be performed by a notary, the like fees for like services, and for any other services such fees as the court by which the commissioner is appointed may from time to time prescribe, not exceeding one dollar, where less than an hour is employed; and if more than an hour be employed, not exceeding the rate of one dollar for each hour.

Commencement.

2. This act shall be in force from its passage.

CHAP. 83.—An ACT concerning property that comes to the possession of a commissioner of wrecks, and the compensation for saving it. [Passed May 11, 1852.]

1. Be it enacted by the general assembly. That the eighth and ninth

Inventory of property to be taken by commissioner of

His compensation.

wrecks.

sections of chapter ninety-one of the Code of Virginia shall be and are hereby amended, so that the said sections, as re-enacted with the amendment now made, shall hereafter read as follows: Every commissioner of wrecks shall take an inventory of all the property that shall come into his possession as aforesaid and be paid or secured to be paid five per cent. on the value or sales of said property, when the amount or value thereof does not exceed ten thousand dollars, and two and a half per cent. on all additional sums.

Pay of laborers Pay to be settled by arbitration where parties disagree.

2. The laborers employed in saving such property shall be paid a reasonable sum for their services. If the parties interested do not agree on what is to be so paid, the owner of the property or his agent may choose one person, and the commissioner of wrecks another, to determine what is to be paid said laborers, and their award, or if they disagree, the award of an umpire, chosen by them, being made in writing, shall be binding on the said laborers and the owner.

Commencement.

3. This act shall be in force from its passage.

CHAP. 84.—An ACT providing for a special term of Rockingham county court, to enable the sheriff to give the bond and take the oaths of office.

[Passed April 24, 1852.]

Special term of Rockingham county court, when to be held, next. at such term.

1. Be it enacted by the general assembly, That a special term of the court of Rockingham county shall be held on the third day of May At said term the county court may take from any person ap-Sheriff may give pointed sheriff of said county a hond, in such penalty as it may deem bond and quality sufficient, not being less than thirty thousand nor more than ninety thousand dollars; and the said person may take the oaths prescribed by law, and his deputies shall do the same.

Commencement.

2. This act shall be in force from its passage.

CHAP. 85 .- An ACT authorizing the election of an additional constable for any district.

[Passed June 2, 1852.]

When additional constables may

1. Be it enacted by the general assembly. That if at any time one conconstables may stable be deemed insufficient for the despatch of the business in any dis-be appointed and trict for which a constable is to be elected, it shall be lawful for the county or corporation court of the county or corporation in which such district is situated, to order an election of two constables for the same, and thereafter, until the order be annulled, the officers conducting the election for such district shall govern themselves accordingly.

Special elections for additional

2. If after the election held on the fourth Thursday of May eighteen hundred and fifty-two, and before the next regular biennial election

thereafter, the services of two constables be deemed necessary for any constables, how district for which one constable is elected, the court may order a special ordered and conducted. dection for an additional constable for the same. The day for holding the election shall be stated in the order, and at least ten days' previous notice given thereof; and the court shall appoint three persons at each place of voting in the district, whose duty it shall be to act as commissiences to superintend the election; and the same shall be conducted according to, and in all things governed by, the provisions of the act providing for the election of county officers, passed at the present session of the general assembly, so far as the said provisions are applicable.

3. The term of office of any constable elected at a special election, Term of office of putternt to the preceding section, shall expire at the end of the term for constables.

which other constables shall be elected at the general election held on the fourth Thursday in May eighteen hundred and fifty-two; and such Powers and duconstable shall have the same power, perform the same duties and stand ties of constables. in the same condition as constables elected under the said recited act.

4. This act shall be in force from its passage.

Commencement.

CHAP. 86.—An ACT providing for the election of a constable for the county of like of Wight by the voters thereof residing in the town of Smithfield. [Passed May 25, 1852.]

1. Be it enacted by the general assembly. That on the fourth Thursday Constable for is this month, and on the same day in every second year thereafter, there Smithfield dis-ductional be elected in the town of Smithfield, by the voters of the county of Wight, when bit of Wight residing in said town, one constable of said county.

9. The said election shall be held at the same place at which other where election elections are held on the same day in the said town, and shall be super- to be held and how conducted. stended, certified and ascertained in like manner.

& No voter of the said town shall vote for any other constable of said Voters of town than the constable authorized to be elected by this act. But this not to vote for other constables ectabell not prevent a constable for the district in which the town of of county. Smithfield is situated from being elected by the voters of said district who may reside without said town.

4. The constable elected under this act shall reside in said town, and Town constable here like powers, duties and fees as the other constables of the county, to reside in town; his powers and his office may be vecested and a recovery therein be filled in like his powers and have like powers, duties and tees as the other constants be filled in like fees.

Office, how va-

cated. Commencement.

5. This act shall be in force from its passage.

CEAP. 87.—An ACT concerning the overseers of the poor of the county of Frederick and the corporation of Winchester.

[Passed May 3, 1852.] 1. Be it enacted by the general assembly, That the overseers of the Overseers of Frederick and corporation of Winchester be united poor of Frederick of the poor of the county of Frederick and corporation of Winchester." Incorporated. They shall have power to lay their own levy and appoint their own collevy and appoint levy and other officers, who shall receive for their services such com-officers. Possation as the board may deem reasonable; they shall meet annually Compensation of They shall transmit the statistical report required by the law in force, to Report to second additor.

They shall transmit the statistical report required by the law in force, to Report to second additor.

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They shall transmit the statistical report required by the law in force, to Report to second additor. Penalties for failing to do so, now provided for in the twenty-eighth sec-failing.

See Code, p. 264.

Afty-first chapter Code of Virginia, against presidents of boards and dirks of the county court, and shall in all other respects be governed by hws now in force concerning overseers of the poor of counties and

2. Be it further enacted, That all laws now in force coming within the Laws suspended. Paview of the foregoing be suspended in their application to the aforeid county and town; and this act shall be in force from and after the Commencement. Peege thereof.

CHAP. 88-An ACT authorizing notices for taking depositions to be served upon counsel of nonresident parties.

[Passed April 23, 1852.]

Notices to nondepositions, counsel Time allowed.

1. Be it enacted by the general assembly, That whenever any party on residents to take whom a notice to take a deposition should be served is not a resident of may be served on Virginia, the service of such notice on the counsel of such party shall have like effect as if it were served upon the party, provided the time between the service of notice and taking the deposition be sufficient for conveying by ordinary course of mail a letter from the place of service to the place of residence of the party, and a reply from that place back

to the place of service, and then for the counsel to attend at the place of

Courts to decide taking the deposition. In all cases when notice is served on counsel as upon validity of aforesaid, the court, upon exception being taken, may determine whether notice and depondent of the court, upon exception being taken, may determine whether notice has been served in reasonable sitions.

under all the circumstances the notice has been served in reasonable time, and admit or reject the deposition accordingly.

Commencement. 2. This act shall take effect from its passage.

> CHAP. 89 .- An ACT to amend the second section of chapter 170 of the Code of Virginia.

> > [Passed May 6, 1852.]

turnable.

How process is directed and rectangle and rectangle and rectangle.

1. Be it enacted by the general assembly. That the second section of the code of Virginia be and the turnable. See Code, p. 642, same is hereby so amended as to read as follows: Process from any court, whether original, mesne or final, may be directed to the sheriff of any county or sergeant of any corporation, except that process against a defendant, (unless a railroad, canal, turnpike or telegraph company be defendant,) to answer in any action brought under the second section of

Exception as to railroad, canal, turnpike or telegraph companies chapter one hundred and sixty-nine, shall not be directed to an officer of

When process may be executed.

When returnable.

Summons to a witners, when returnable. Process, when. Commencement.

any other county or corporation than that wherein the action is brought. Any process may be executed on or before the return day thereof. appear to be duly served and good in other respects, it shall be deemed valid, although not directed to any officer, or if directed to an officer, though executed by any other to whom it might lawfully have been It shall be returnable, within ninety days after its date, to the directed. court on the first day of a term, or in the clerk's office, to the first Mosday in a month, or to some rule day, except that a summons for a witness shall be returnable on whatever day his attendance is desired, and process awarded in court may be returnable as the court shall direct.

2. This act shall be in force from its passage.

CHAP. 90.—An ACT concerning orders of publication in proceedings by petition.

[Passed May 31, 1852.]

In proceedings by petition, how orders of publi-cation made. Commencement.

1. Be it enacted by the general assembly, That in a proceeding by petition, there may be an order of publication in like manner as in a suit in equity.

2. This act shall be in force from and after its passage.

CHAP. 91.—An ACT providing for the arrest of a judgment debtor when he fails to answer interrogatories, or files answers which are evasive, and it appears he is about to quit the state.

[Passed February 16, 1852.]

How judgment to answer.

1. Be it enacted by the general assembly, That where a debtor named debtors about to in a writ of fieri facias, after being served with a summons issued by a arrested and held commissioner, shall fail, within the time prescribed therein, to file answers upon oath to said interrogatories, or shall file answers which are deemed by the commissioner to be evasive, if the judgment creditor shall by affidavit shew to the satisfaction of the commissioner that there is probable cause for believing that the said debtor is about to quit this state, unless he be forthwith apprehended, a writ shall be issued by the commissioner, directed to the sheriff of any county or the sergeant of any corporation, requiring such sheriff or sergeant to take the debtor,

Who to make arrest

and keep him safely, until such answers to the interrogatories as the commissioner deems proper shall be filed, and such conveyance and de- How debtor may fivery as he deems proper shall be made, or until a circuit, county or be discharged. corporation court or a circuit judge shall direct the debtor's discharge. A county or corporation court may act under this section, either at a When county and corporation monthly or quarterly term. 2. This act shall be in force from its passage. Commencement.

CEAR 92.—An ACT amending an act passed the thirty-first March eighteen hundred and fifty-one, allowing bail in certain cases. [Passed April 16, 1852.]

1. Be it enacted by the general assembly, That the third and fourth sec-Part of bail law tions of the act passed the thirty-first of March eighteen hundred and of 1851 repealed. See Acts 1850-51, fifty-one, entitled "an act allowing bail in certain cases," shall be and p. 36. are hereby repealed.

2. The defendant arrested under a capias may, at any time pending When party arthe case, give bond to the officer making the arrest. Such bond shall be rested may give taken by said officer and returned by him to the clerk of the court from Bond, by whom which the capies issued, and the same shall be filed in said clerk's office, taken and where

3. If the defendant give such bond, or be committed to jail for want filed. of it, the court in which the case is pending, or if it be a circuit court, How caplas may the judge thereof in vacation, may, after reasonable notice to the plain-be quantically defendent distiff or his attorney or counsel, quash the capias and discharge the de-defendant discharged. fendant from custody, or discharge the bond, on being satisfied that there was not probable cause for believing that the defendant was about to quit the state; and whether there was such cause or not, may discharge him from custody when the plaintiff is east in the action or suit.

4. While a defendant is in custody, whether under an arrest made How plaintiff be-

heretofore or hereafter, the plaintiff, without having a judgment against fore judgment the defendant, may file interrogatorics to him in like manner as might may compel debtor to diebe done under the fifth section of chapter one hundred and eighty-eight cover his estate.

of the Code of Virginia, if such judgment had been obtained and a fieri See Code, p. 717.

How defendant ferior thereon delivered to an officer. And the court wherein the case may be dispending, or a judge of a circuit court, or a commissioner of a circuit, charged for want
of interrogato county or corporation court, or a justice of the peace, after reasonable ries. femdant from custody, unless interrogatories be filed within such time as iif. the said court, judge, commissioner or justice may deem reasonable; or Discharge after though interrogatories be filed, may discharge him when proper answers proper answers thereto are filed and proper conveyance and delivery made. A county and surrender of property.

or corporation court may act under this or the preceding section, either When county or corporation courts may set.

5. The officer making the arrest shall be the officer to whom the con-to-wyance shall be made. The interrogatories, answers and report of the veyance of pro-to-wayance shall be returned to the court in which the case is pending, perty to be made. And the court wayance shall be returned to the court in which the case is pending, Return to court. and filed with the papers of such case. And the said court may make Disposition of sach order as it may deem right as to the sale and proper application of property surrendered.

the estate conveyed and delivered under the preceding section.

6. Before a capias is sued out of the clerk's office in any action or suit, Plaintiff required the plaintiff in such action or suit or some other person shall file in the to give bond for damages and **clerk's office** bond with security, approved by the clerk, in a penalty costs. equal to the sum in which the defendant is directed to be held to bail, payable to said defendant, and conditioned to pay him all costs and damages which may be awarded against the plaintiff, or sustained by the defendant by reason of the arrest of the defendant under said capias.

7. This act shall be in force from its passage.

Commencement

CHAP. 93.—An ACT to authorize bail in criminal cases to obtain bail pieces. [Passed March 10, 1852.]

1. Be it enacted by the general assembly, That in all cases in which re- Bail piece to be cagaizances at the suit of the commonwealth may have been, or shall delivered to ball bereafter be entered into, it shall be the duty of the clerk of the court in

which or in the clerk's office of which any recognizance may be filed, w deliver to the bail, on his applying therefor, a bail piece, in substance as

Form thereof.

follows, viz: "A B, of the county (or corporation) of is delivered to bail, unto C D, of the county (or corporation) of

, at the suit of the commonwealth. Given under my hand this day of in the year

2. This act shall be in force from its passage. Commencement.

> CHAP. 94.—An ACT to amend the sixth section of chapter one hundred and fifty-two of the Code of Virginia, so as to entitle the party giving the suspending bond under said section to the possession of the property levied on.

> > [Passed May 12, 1852.]

perty, sale of which has been suspended. See Code, p. 610.

1. Be it enacted by the general assembly, That the sheriff or other of How forthcome 1. Be it enacted by the general assembly, That the sheriff or other of ing bond may be ficer levying a writ of fieri facias or distress warrant on property, the taken for prosale of which is suspended under chapter one hundred and fifty-two of the Code, at the instance of a claimant thereof, may, if such claimant desire the property to remain in such possession as it was immediately before the levy, and if the case be one in which a bond for the forthcoming of the property is not prohibited from being taken from the

See Code, p. 721. debtor by the sixth section of chapter one hundred and eighty-nine of the Code, take from the claimant a bond with sufficient surety, payable to the creditor, with such recital as is required in a forthcoming bond taken from the debtor, and with condition that the property shall be forthcoming at such day and place of sale as may be thereafter lawfully In whose posses appointed: whereupon, such property may be permitted to remain at

mains. Proceedings upon forthcom-721

sion property re- the risk of such claimant in such possession as it was immediately before the levy; and the second, third, fifth, sixth and seventh sections of chapter one hundred and eighty-nine of the Code shall apply to such ing bond.

See Code, p. 720, forthcoming bond in like manner as to a forthcoming bond taken from the debtor. 2. The third section of chapter one hundred and fifty-two of the Code

How claim of third party to

is hereby amended, so that, as now re-enacted with such amendment, it property tried.

See Code, p 600, shall read as follows: Such court, on the application of the party issuing said process, may cause to appear before it the party making such claim, Sale of property, and may exercise the like powers and authority. In such case as is how decreed. mentioned in this or the preceding section, the court, where no bond

given for the forthcoming of the property, or if it be a circuit court, the judge thereof in vacation, may, before a decision of the rights, make as order for the sale of the property or any part thereof, on such terms as the court or judge may deem advisable, and for the proper application of the proceeds according to the said rights. In any case before mentioned in this chapter, the court may make all such rules and orders, and enter such judgment as to costs and all other matters, as may be just

Further power of court.

and proper.

3. This act shall be in force from its passage. Commencement.

> CHAP. 95.—An ACT to amend the eleventh section of chapter one hundred and fifty-one of the Code of Virginia.

[Passed April 3, 1852.]

Attachments in equity, when and how.

1. Be it enacted by the general assembly, That the eleventh section of chapter one hundred and fifty-one of the Code of Virginia be re-enacted See Code, p. 603. and amended, so as to read as follows: A claim to any debt, or to damages for breach of any contract against a person who is not a resident of this state, but who has estate or debts due him within the same, may, if such claim exceed twenty dollars, exclusive of interest, be maintained in any court of equity for a county or corporation in which there may be any such estate, or a defendant owing any debt to such nonresident. When a person has such claim, or when a person claims to be entitled in equity to any money or property from a person against whom and for which an attachment might be sued out of a clerk's office, if the claim were recoverable at law, there may be an affidavit according to the nature of the case, conforming as near as its nature will admit, to what

Affidavit, when to be made.

is specified in previous sections; and such affidavit may be at the time

of or after the institution of the suit. 2. Upon such affidavit, the plaintiff may require the clerk to endorse What may be at-On a summons an order to the officer to whom it is directed to attach the ment on sumspecific property, (if any be mentioned in the affidavit,) and the debts more. due, or to become due by other defendants, (if any,) to the defendant against whom the claim is, and also any other estate of that desendant, whether in his own hands or in the hands of other defendants. Any Attachment how attachment under this section shall be executed in the same manner, and executed. Proceedings shall have the same effect as at law, but the proceedings therein shall be thereon. the same as in other suits in chancery. And the court, or in the vaca- Power of court. tion thereof, a judge of a circuit court may interpose by injunction, or the appointment of a receiver, or otherwise, to secure the forthcoming of the specific property sued for, and so much other estate as will probably be required to satisfy any future order of secree that will be made in the cause. This section shall have such relation as the eleventh section of chapter one hundred and fifty-one of the Code had to the other sections of said chapter.

3. This act shall be in force from its passage.

Commencement.

CHAP. 96.—An ACT to authorize the transfer to another state of the proceeds of sale of the real estate of an infant or insane person invested under the direction of a court.

[Passed May 31, 1852.]

1. Be it enacted by the general assembly, That when the proceeds of Transfer of prosale of the real estate of an infant or insane person, under the laws now tate of infants or in force, are invested or required to be invested under the direction of insane persons, a court, and such infant or insane person resides out of this state, on the invested by order petition of a guardian or committee, lawfully appointed or qualified in obtained. the state or country of the residence of such infant or insane person, the court under whose direction the said proceeds are so invested or required to be invested, may, with the consent of the persons residing in this state who would be the heirs of such infant or insane person if he were dead, order the said proceeds to be paid and delivered to such foreign guardian or committee, or his agent or attorney, and removed by him to the state or country in which he was appointed and qualified.

2. No such order shall be made until there is done what is required by What required the third section of chapter one hundred and twenty-nine of the Code to be done before to authorize an order mudar the second section of that sheeter to authorize an order under the second section of that chapter.

See Code, p. 539. Commencement.

3. This act shall be in force from its passage.

CHAP. 97.—An ACT concerning partitions. [Passed May 24, 1852.]

1. Be it enacted by the general assembly, That the second and third sec- How parties may tions of chapter one hundred and twenty-four of the Code of Virginia have shares laid shall be and are hereby amended, so that the said sections, as re-enacted See Code, p. 526. with such amendment, shall hereafter read as follows: Any two or more of the parties, if they so elect, may have their shares laid off together, when partition can be conveniently made in that way.

2. When partition cannot be conveniently made, the entire subject when equal parmay be allotted to any party who will accept it, and pay therefor to the time proceed. may be allotted to any party who will accept it, and pay therefor to the made, proceed other parties such sums of money as their interest therein may entitle ceedings therethem to; or in any case now pending or hereafter brought, in which par- upon. tition cannot be conveniently made, if the interests of those who are entitled to the subject, or its proceeds will be promoted by a sale of the entire subject or allotment, of part and sale of the residue, the court, notwithstanding any of those entitled may be an infant, insane person or married woman, may order such sale, or such sale and allotment, and make distribution of the proceeds of sale according to the respective Right of credirights of those entitled, taking care, when there are creditors of any de-tors protected. ceased person who was a tenant in common, joint tenant or coparcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors. But when the case is in a county or cor-

How cases oriremoved to circuit courts.

parties.

See Code, p. 535, under chapter one hundred and twenty-eight of the Code. 536. Commencement.

poration court, if such court deem a sale of the real estate or part ginating in coun thereof proper, and the dividend of any party in its opinion exceed the ty courts may be value of three hundred dollars, the case, before any order for sale therein, shall by said court be removed to the circuit court of the county or cor-Protection of in poration. The court making an order for sale shall, when the dividend fants and insane of a party exceeds the value of three hundred dollars, if such party be an infant or insane person, require security for the faithful application of the proceeds of his interest in like manner as if the sale were made

> CHAP. 98.—An ACT concerning the renunciation by a widow of the provision for her in her husband's will.

> > [Passed June 1, 1852.]

When and how will.

1. Be it enacted by the general assembly, That the twelfth section of widow must rechapter one hundred and twenty-three of the Code of Virginia shall be and is hereby amended, so that the said section, as re-enacted with such See Code, p. 524. amendment, shall hereafter read as follows: When any provision for a wife is made in her husband's will, she may, within one year from the time of the admission of the will to probat, renounce such provision. Such renunciation shall be made either in person before the court in which the will is recorded, or by a writing recorded in such court, or the clerk's office thereof, upon such acknowledgment or proof as would au-See Code, p. 513, thorize a writing to be admitted to record under chapter one hundred and twenty-one. If such renunciation be made, or if no provision for

514. on renunciation, her be made in the will, she shall have such share of her husband's personal estate.

Commencement.

she shall have no more thereof than is given her by the will. 2. This act shall be in force from its passage.

3. This act shall be in force from its passage.

CHAP. 99.—An ACT to authorize the circuit courts to direct the sale of church property.

sonal estate as she would have had if he had died intestate; otherwise,

[Passed March 3, 1852.]

How sale of church property

1. Be it enacted by the general assembly, That whenever any religious congregation for whose use a conveyance, devise or dedication of land has been lawfully made, shall deem that their interests will be promoted by a sale of such land, it shall be lawful for any member of such congregation, in his name, and on behalf of the other members thereof, to prosecute a suit in equity for that purpose in the circuit court of the county or corporation in which such land, or the greater part thereof, may lie, against the trustees, or the survivors of them, in whom the legal title may be; and it shall be lawful for such court, if a proper case be made, and the court be of opinion that the rights of others will not be violated thereby, to order the sale of such land, and make such disposition of the proceeds thereof as the congregation may desire.

Who to be par-

How suit proceeded in Not to abate by Commencement.

2. No member of the congregation need be made a defendant to such suit, but any member thereof may voluntarily enter himself as such and contest the same. In other respects the suit shall be heard and determined as other suits in equity, except that it may be proceeded in notdeath of plaintiff, withstanding the death of the plaintiff, as if he were living.

3. This act shall be in force from its passage.

CHAP. 100 .- An ACT concerning books or furniture of Free Masons, Odd Fellows, Sons of Temperance and other benevolent associations.

[Passed May 26, 1852.]

Books and furniture of benevoheld.

1. Be it enacted by the general assembly, That books or furniture given lent associations, or acquired for the use of any society of Free Masons, Odd Fellows, how vested and Sons of Temperance or any other benevolent association, and to be used See Code, p. 363, on land held by trustees for the use of the association, shall stand vested in the trustees having the legal title to the land, and be held by them as the land is held for the use of such association.

Commencement,

2. This act shall be in force from its passage.

CHAP. 101 .- An ACT to provide for the incorporation of building fund associations.

[Passed May 29, 1852.]

1. Be it enacted by the general assembly, That any number of persons, Object of build. not less than nine, may associate and become, in the manner hereinafter ing associations. prescribed, an incorporated company, for the purpose of accumulating a ber limited faul to enable its respective members to purchase houses and lots, erect buildings, improve lands, and to remove incumbrances from real estate, and for the further purpose of distributing among the members, who do not receive aid by advances on their shares for the objects aforesaid, their proper dividends of the fund so accumulated in money.

2. Persons who wish to form such a company shall severally sign arti-Articles of asso-

cles of association, which shall specially state the name of the associa-ciation, what to ties, the place in which its business is to be transacted, the number of contain. per value of each share of stock, which shall not exceed two hundred deliars; and shall also contain the constitution, rules, regulations and Constitution and by-laws of the association, which shall not be inconsistent with the laws by-laws.

ed constitution of this state or of the United States.

3. The officers of every such association shall be a president, six directofficers of association.

The president and ciation. Breetors shall constitute a board to manage the affairs of the association. Powers of board. with such powers as the articles shall prescribe; the duties of the trea- Duties of treasugreat and secretary shall be prescribed by the by-laws; the trustees shall rer and secretahald the title for the association of all its real estate and of all real estate Who to hold proconveyed to secure debts due the association, and shall convey and re-perty and con-bean the same, by order of the board, as may be required by the arti-vey it. The board shall take from all officers and trustees of the company Bonds required bends with security, payable to the association by its corporate name, in of officers.

such penalty as they may require. 4. A true copy of such articles as are mentioned in the second section, Copy of articles egged by the officers and trustees of the association, together with a of associations statement shewing the time of its organization, and that the persons to be recorded. whose names are appended to the articles are the officers and trustees of such association, verified by the oath or affirmation of the president and secretary, shall be recorded in the court of the county or corpora- Where record to ties in which such association shall transact its business; and there-be.

Association in the persons who have subscribed the articles of association, and corporated. ther persons as shall become members thereof, and their successshall be a body corporate, by the name specified in such articles, and shall in all respects be bound and governed by such articles of assofation, and any amendments thereto, made in conformity to the same. And such association shall be capable in law of purchasing, holding and Corporate powconveying any real and personal estate, which may be necessary and ers. table for the business and purposes set forth in the articles of associathen; but such company shall not, at any one time, hold real estate ex-Amount of pro-

they in quantity five acres, except such as has been received in satis- perty limited. en of debts; and the clear yearly value or income of all real estate ed by such company, (other than that conveyed to its trustees as ity for advances or loans,) shall not exceed one thousand dollars.

to he shall be lawful for the proper officers to be designated in such requisitions on states, to call in and demand, from the stockholders respectively, he stockholders. of money subscribed by them, at such time and in such payments the articles of association shall prescribe; and for failure to pay such Penalty for failstans so demanded, the articles may provide for the forfeiture to the ing to pay. company of the stock of delinquent stockholders.

6. Parents may take and hold shares in any such association for the Parents may hold of their minor children, in case such shares are paid for by the shares for children. monal earnings of said children or by gifts made for such purpose. bried women, with the consent in writing of their husbands first How married trined, may take and hold, for their separate use, and exempt from women may hold shares. the debts or contracts of their husbands, shares in any such association, in case the same are paid for by the personal earnings of said married

Exempt from husband's debts. purpose, or by gifts made to them by persons other than their husbands, and not otherwise; and any real estate, acquired by the proceeds of such shares, shall be held by such married women in like manner, exempt from the debts and contracts of their husbands.

women, or by those of their children, voluntarily bestowed for this

How long association to exist, and how disoolved.

7. Every such association, unless sooner dissolved by a vote of a majority of the stockholders, shall continue in being until the fund accumulated, including shares redeemed, and all property, money and other effects, shall amount to such a sum as will enable the company to divide, on each share, a sum equal to the par or ultimate value of the shares agreed upon in the articles, and no longer; and, in such estimate, the Dividends, when redeemed shares shall be estimated at their par or ultimate value. No dividend of principal or profits shall be made, except at the termination

8. It shall be lawful for any such association to redeem the shares

made.

of the association.

Power to purchase and redeem shares of stock.

held by the stockholders respectively, upon such terms and under such regulations as may be prescribed in the articles; but such association shall in no case receive or demand from any stockholder interest exceeding the rate of six per centum per annum upon the sum actually paid by such association to such stockholder for the shares so redeemed and Stockholders lia- bought in. Nothing herein contained, however, shall be construed to prevent the association from receiving and demanding from any stockholder, whose shares have been redeemed, such regular payments on stock as may be required by the articles, and any fines that may be im-

ble therefor.

Existing associa-tions entitled to benefit of act.

Liability of directors or officers for illegal use or disposition of funds.

9. Any existing association, formed for the purposes mentioned in this act, may, upon complying with its provisions, become entitled to its benefits.

posed on him in accordance with such articles.

10. If the directors or other officers of any association incorporated under this act shall use, dispose of or invest any moneys or property belonging to such association, otherwise than is prescribed by this act, or by the articles recorded as aforesaid, every such director or officer who authorized, made or sanctioned such use, disposition or investment, shall be liable to the association or to the person injured for all losses and damages incurred by reason of such unlawful use, disposition or investment.

Penalty on officers guilty of

11. If any officer, trustee, attorney, agent or servant of any such association shall apply to his own use, or shall, without due authority, assign, transfer, cancel or deliver up or acknowledge satisfaction of any bond, mortgage, deed of trust, or other written instrument belonging to such association, or shall be guilty of any fraud in the performance of his duties, he shall be liable to the association or to any person injured for the damages thereby incurred, and shall also be deemed guilty of a misdemeanor; and upon conviction of any such offence, he shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail for a term not exceeding one year.

12. There shall be a general meeting of the stockholders of every as-

sociation incorporated under this act, on the first Thursday of January in each year, for the purpose of electing the officers of the association

the day aforesaid, the company shall not for that reason be dissolved,

General meetings, when.

Meeting not held for the ensuing year. But if for any cause such meeting be not held on Officers to continue until

Financial condition of association to be annually published.

others appointed but the officers and trustees previously elected shall continue in office until their successors are appointed at some other meeting of stockholders to be provided for in the articles of association. The stockholders, at every such general meeting, or in case there be no such general meeting, then the president and directors of every such association shall cause to be published, during the month of January in every year, in one or more public newspapers printed in or nearest its place of business, a

Statement, what

to contain.

tary, shewing the actual financial condition of the company, brought down to the thirty-first day of December in the preceding year. statement shall exhibit the amount of money on hand, the number of shares redeemed, the amount due the association, and its liabilities, if

statement, verified by the oath or affirmation of the president and secre-

my, the value of its property, and the estimated cash value of each are of stock.

13. It shall not be lawful for any such association to loan to one of Amount of loans its members a sum exceeding the par or ultimate value of the shares to members embecribed for by such member; and no member shall own at any one Number of shares

time more than twenty shares of stock. owned by mem-14. The stock of any such association shall be deemed personal bers limited. estate, and shall pass as such; it shall be transferred and represented in personal estate; meetings of the stockholders in such manner as may be prescribed by how transferathe articles.

15. The articles of any such association may be amended in such Amendments of manner as may be prescribed therein; but every such amendment shall articles of association. be certified by the president and secretary, and be recorded in the court To be recorded.

in which the original articles are recorded.

16. The general assembly may at its pleasure amend, modify or Control of generepeal this act, and may dissolve any association incorporated under its ral assembly over provisions. Every modification or amendment of this act shall be charter. desmed to modify or amend the charter of every association incorporated under its provisions; but no act to amend, modify or repeal this act,

er to dissolve any such association, shall take away or impair any remedy, existing at the time of the passage of such act, against such association, or deprive such association of the power to sell its property, foreclose its mortgages, collect its debts, distribute its effects, and to perform in its corporate capacity all other acts necessary to close its meas.

17. This act shall be in force from its passage.

Commencement.

Cash. 102.—An ACT conferring on the courts the power to change the names of persons.

[Passed May 11, 1652.]

1. Be it enacted by the general assembly, That the first section of chap- Changing names ter one hundred and sixty-eight of the Code of Virginia shall be and is of persons, how made. hereby amended, so that the said section, as re-enacted with such amend- See Code, p. 640. ment, shall hereafter read as follows: Any person desiring a change of his own name or that of his child or ward, may apply therefor to the circuit court of the county or corporation in which he resides; or if he be a citizen of the state without a fixed residence in any one county or curporation, his application may be to the circuit court of the city of Richmond. On any such application, the court in its discretion may order a change of the name, and thenceforth the new name shall be in the place of the former.

2. This act shall be in force from its passage.

Commencement.

CHAP. 103.—An ACT concerning the prohibition against a man marrying his uncle's widow.

[Passed February 28, 1852.]

1. Be it enacted by the general assembly, That if any man have married Marriage of man The macle's widow since the twenty-eighth of March eighteen hundred with his uncle's widow, within a fifty-one, such marriage is hereby declared to be legal and valid and what period lethat from the penalties prescribed by any existing laws. But this act galized. not be construed to sanction any such marriage as may have ocred prior to the date aforesaid or which may hereafter occur.

This act shall be in force from its passage.

Commencement

CHAP. 104.—An ACT providing for cases in which the governor commutes capital punishment.

[Passed February 17, 1852.]

1. Be it enacted by the general assembly, That in any case in which the Power to confine generator shall exercise the power conferred on him by the constitution person, whose to commute capital punishment, he may issue his order to the superin-commuted, in tendent of the penitentiary requiring him to receive and confine (and penitentiary. the superintendent shall receive and confine) in the penitentiary, ac-

rized to issue

cording to such order, the person whose punishment is so commuted. Governor author To carry into effect any commutation of punishment, the governor may issue his warrant directed to any proper officer; and the same shall be obeyed and executed.

Commencement

2. This act shall be in force from its passage.

CHAP. 105.—An ACT disabling any person concerned in a duel from holding office.

[Passed May 22, 1852.]

Disability of person violating law against dueling.

1. Be it enacted by the general assembly, That no person shall be capable of holding or being elected to any post of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance.

Form of dueling oath.

2. Every person elected or appointed to any such post shall, before he acts in such post, take the following oath: "I swear that I have not. since the passage of the act, entitled 'an act disabling any person concerned in a duel from holding office,' fought a duel, or sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of the challenger or challenged, nor been knowingly the bearer of such challenge or acceptance, nor been second to either party, nor in any manner aided or assisted in such duel, and that I will not be engaged or concerned, directly or indirectly, in or about any such duel during my continuance in So help me God."

Nonresident commissioners governor, excepted from act.

3. There shall be excepted from the operation of the two preceding commissioners appointed by the sections the case of a person residing in another state who is appointed a commissioner by the governor, and such other cases as the law may specially direct.

Penalty for fail-

4. If in any case not so excepted, a person elected or appointed to ing to take ouths. any such post shall act in said post before taking said outh, and also the oath to support the constitution of the United States, the oath of fidelity to the commonwealth, and an oath of office, he shall forfeit not less than one hundred nor more than one thousand dollars.

5. So much of the thirteenth chapter of the Code of Virginia as re-

Repeal of former dueling oath. See Code, p. 86.

quires the oath to be taken that is mentioned in the second section of that chapter, shall be and is hereby repealed. 6. This act shall be in force from its passage.

Commencement.

CHAP. 106.—An ACT to suppress gaming by negroes and by white persons playing with them. [Passed April 12, 1852.]

Gaming by ne-groes or white persons with them, how punished.

1. Be it enacted by the general assembly, That if a negro play or bet at any game played with cards or dice, or bet on the sides of those who play at any such game, or if a white person play or bet with a negro at any such game, such playing or betting, although not at a public place. and although there be not lost or won within twenty-four hours a greater sum, or anything of greater value than twenty dollars, shall be a misdemeanor.

CHAP. 107.—An ACT prohibiting the buying, selling or transferring of tickets or chances in lotteries and raffles.

[Passed Mny 22, 1852.]

Buying or selling lottery tickets prohibited.

1. Be it enacted by the general assembly, That the buying, selling or transferring of tickets or chances in any lottery shall be and the same is

Punishment for being connected &c.

hereby prohibited.

2. If a free person shall set up or promote, or be concerned in managing or drawing a lottery or raffle, for money or other thing of value, or with lotteries or raffles, or buying knowingly permit such lottery in any house under his control, or knowor selling tickets, ingly permit money or other property to be raffled for in such house, or to be won therein, by throwing or using dice, or by any other game of

chance, or knowingly permit the sale in such house of any chance or ticket in, or share of a ticket in a lottery, or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize or share of or interest in a prize to be drawn in a lottery, or shall, for himself or another person, buy, sell or transfer, or have in his possession for the purpose of sale, or with intent to exchange, negotiate or transfer, or shall aid in selling, exchanging, nesotiating or transferring a chance or ticket in or share of a ticket in a lottery or any such writing, certificate, bill, token or device, he shall be confined in jail not more than one year, and fined not exceeding five hundred dollars.

3. This act shall be construed as a remedial and not a penal statute. Act, how con4. This act shall be in force on and after the first day of January eigh-strued. teen hundred and fifty-three.

Commencement

CHAP. 108.—An ACT authorizing the use of the jail of the county of Smyth to the town of Marion. [Passed March 22, 1852.]

1. Be it enacted by the general assembly, That by and with the consent Jail of Smyth of the county court of Smyth county, the jailor of said county shall be county to be used by town of authorized to receive into the jail of said county for safe keeping, with- Marion. out a millimus or warrant from a justice of the peace or the mayor or What persons adderman of the town of Marion, all such persons as may be appredicted therein and by bended by the police officers of said town, during the night time between whose authority. the hours of ten o'clock P. M. and six o'clock A. M., for a violation of the rules, regulations, by-laws or ordinances, or disturbing the peace of said town; and said jailor shall be authorized to retain such persons in How long to be his custody during a period of ten hours, at the end of which time to be confined and how released. discharged, unless demanded by the police officer or officers of said town, or regularly committed to his custody by mittimus or warrant from a justice of the peace or the mayor or alderman of the said town. The jailor slees. persons who may be committed to his custody under a warrant or mittifrom a justice of the peace. All fees and charges for any such To be paid by semporary commitment to be paid by the said town of Marion. 2. This act shall be in force from its passage.

Commencement.

FEAR. 109.—An ACT authorizing the establishment of an office of discount and deposit at Charleston or the Kanawha Salines in the county of Kanawha. [Passed May 17, 1852.]

1. Be it enacted by the general assembly, That it may be lawful for any What banks may one of the mother banks of this commonwealth to establish an office of establish branch discount and deposit in the town of Charleston or the Kanawha Salines ton or Kanawha in the county of Kanawha, with a capital of not less than one hundred Saline thousand nor more than three hundred thousand dollars, to be provided Capital, how by a transfer of the capital from the bank (establishing such branch) and in branches, or from the contingent fund of the bank, or by the creation sale of new stock to the requisite amount, or by a combination of me modes, as the stockholders in general meeting may decide and di-The said office when established shall be under the direction of Directors; their even directors, to be appointed in like manner, and to have the powers powers and during be subject to the duties as provided by law in respect to other lies. **Sees** of discount and deposit. 2. This act shall be in force from its passage.

Commencément.

CRAP. 110.—An ACT authorizing the Bank of the Valley to establish an office in Christiansburg. [Passed May 7, 1852.]

1. Be it enacted by the general assembly, That it shall and may be law-Bank of Valley for the Bank of the Valley in Virginia to establish an office of distribution of the Valley in Virginia to establish an office of distribution of the Christiansburg in the county of Monttiansburg. Semery, with a capital of not less than one hundred thousand dollars Capital, how provided. wer more than two hundred thousand dollars, to be provided by a trans-provided.

vided by a transfer of capital from the bank electing to establish such branch, and its branches, or from the contingent fund of said bank, or by the creation and sale of new stock to the requisite amount, or by a combination of these modes, as the stockholders in general meeting may decide and direct: Provided, That no sale of the stock of said bank for sold for less than the purpose aforesaid shall be for less than par. The said office when par. Directors; how established shall be under the direction of seven directors, to be apper.
Directors: how established shall be under the direction of soven direct to the subject to the subject to the powers and be subject to the powers and be subject to the content of the offices of discount and duties as provided by law in respect to other offices of discount and deposit.

Commencement.

2. This act shall be in force from its passage.

CHAP. 116 .- An act to authorize the establishment of a branch of one of the banks of Virginia in West Columbia, Mason county.

[Passed May 27, 1852.] 1. Be it enacted by the general assembly. That it shall be lawful for the Bank of Virginia, the Farmers Bank of Virginia, the Exchange Bank

of Virginia, the Bank of the Valley, or either of them, to establish an office of discount or deposit in the town of West Columbia in the county

of Mason, with a capital of not less than seventy thousand nor more than two hundred thousand dollars, at the discretion of the stockholders of said bank: to be raised by subscriptions of one hundred dollars each.

Books of subscription for raising the stock aforesaid shall be opened on the first Monday in August next, and remain open until the stock aforesaid shall have been subscribed, at West Columbia in Mason county,

under the superintendence of John Hall, Abney Hobb, James Saunders,

Alexander Long, W. J. Stevens, Thomas Mitchell, Thomas Somerville, Charles T. Beale, Robert Mitchell, James N. Foley and John McCullough; and the books of subscription may be opened at any other place

that a majority of said commissioners may designate. The said com-

missioners shall have full power to act, and their rights, powers and duties in relation to the said bank at West Columbia shall be in all respects, as far as applicable, as the rights, powers and privileges of the commissioners appointed to receive subscriptions to the capital stock of

What banks may tablish branch at West Colum-

Capital.

Subscriptions; books, when opened.

Commissioners therefor.

Their powers and duties.

Capital, how provided. See Acts 1836-7, p. 69, 71.

either of the above banks of Virginia are in relation to them. 2. And be it further enacted, That the capital for said office may be provided, either by a sale of additional stock, upon the terms and conditions provided in the fifth and eleventh sections of the act, entitled "an act increasing the banking capital of this commonwealth," passed March twenty-fifth, one thousand eight hundred and thirty-seven, or be furnished by a transfer from the capital of the mother bank and existing branches, or by a combination of the two modes, as the stockholders may in general meeting direct, or may empower the president and directors of the parent bank to fix or determine.

3. And be it further enacted, That the management of the said office shall

Directors, how powers and du-

directors to be

State directors, how appointed.

Regulations for

appointed; their be under the control of a board of directors, to be appointed and elected powers and du-ties.

in the same manner, with like powers and qualifications and tenure of When election of office, as the directors of the existing branches of said bank. And if directors to be from any cause the election of directors on the part of the stockholders shall not be made on the said first Monday in August next, it shall be competent to make such election at any special meeting of the stockholders; and upon being notified by the president and cashier of the parent bank of the election of directors on the part of the stockholders, the executive shall appoint three directors upon the part of the state, which said directors thus elected and appointed shall hold their offices until the next annual meeting of the stockholders, and until their successors shall be chosen and qualified.

4. And be it further enacted, That the said bank hereby established shall be subject to all the provisions of the act, entitled "an act pre-See Acts 1836-7, shall be subject to all the provisions of the act, entitled "an act pre-c. 82, p. 57; also scribing general regulations for the incorporation of banks," passed Code, c. 57, 58. March twenty-ninth, one thousand eight hundred and thirty-seven, and March twenty-ninth, one thousand eight hundred and thirty-seven, and all acts amendatory thereof, up to the passage of this act.

Commencement. 5. This act shall be in force from its passage. CHAP. 117.—An ACT authorizing the establishment of a bank at Weston in the county of Lewis.

[Passed May 4, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful for the What banks may Bank of Virginia, the Farmers Bank of Virginia, the Bank of the Val-establish branch at Weston. ley, the Exchange Bank of Virginia, the Northwestern Bank of Virginia, the Merchants and Mechanics Bank of Wheeling, or either of them, to establish an office of discount and deposit at Weston in the county of Lewis, with a capital of not less than one hundred thousand dollars, and Capital. not more than one hundred and fifty thousand dollars, at the discretion

of the stockholders of said bank.

2. The capital for said office may be furnished by a transfer from the How capital to mother bank and existing branches, or by a combination of the two Amended. Se modes, as the stockholders may in general meeting direct, or may em-post, c. 118. power the president and directors of the parent bank to fix and determine: Provided, That no sale of stock shall be for less than its par Stock not to be The management of said office shall be under the control of a sold under par. board of directors, to be elected in the same manner, with like powers, powers and tequalification and tenure of office as the directors of the existing branches nure of office. of the said bank; and if from any cause the election of the directors on When directors the part of the stockholders shall not be made on the first Monday in to be elected. November next, it shall be competent to make such election at any general or special meeting of the stockholders; and upon being notified by the president and cashier of the mother bank of the election of directors for said branch on the part of the stockholders, the executive shall ap-State directors peint three directors in behalf of the state, which said directors thus how appointed. elected and appointed shall hold their offices until the next annual meeting of the stockholders, and until their successors shall be chosen and qualified.

3. This act shall be in force from its passage.

Commencement.

CHAP. 118.—An ACT amending the second section of the act authorizing the establishment of a bank at Weston in the county of Lewis, passed during the present session.

[Passed May 12, 1852.]

1. Be it enacted by the general assembly, That the second section of the Capital for ast authorizing the establishment of a bank at Weston in the county of branch bank at Lewis, passed during the present session, he and the same is hereby Lewis, passed during the present session, be and the same is hereby provided. smended, so as to read as follows: The capital for said office may be furnished by a transfer from the mother bank and existing branches, by a sale of additional stock, by appropriation from the contingent fund of the bank, or by a combination of any or all the means aforesaid, as to the president and directors of said bank may seem best: Provided, That so sale of stock shall be for less than its par value.

2. This act shall be in force from its passage.

Commencement.

CHAP. 119.—An ACT reducing the capital stock of the Central Bank of Virginia. [Passed April 27, 1852.]

Whereas application has been made to the general assembly to amend Preamble. the first and fifth sections of an act, entitled "an act to incorporate the Central Bank of Virginia," passed on the twenty-sixth day of March eighteen hundred and fifty-one, so as to reduce the minimum capital of said bank: Therefore,

1. Be it enacted, That the first and fifth sections of the act, entitled Repeal of 1st and "an act to incorporate the Central Bank of Virginia," passed on the 5th sections of charter of Centwenty-sixth of March eighteen hundred and fifty-one, be and the same tral Bank of Virginia,

are hereby repealed.

2. That it shall be lawful to establish a bank in the town of Staunton, the capital stock of which shall not be less than one hundred thousand Bank established dellars, nor more than five hundred thousand dollars, to be raised by at Staunton. subscriptions of one hundred dollars each. Books of subscription for Books for subraising the stock aforesaid shall be opened on the first Monday in March scriptions, when,

ginia. See Acts 1850-51,

where and by whom opened.

next, and remain open till the stock shall be subscribed, at Staunton in the county of Augusta, under the superintendence of William Frazier, Hugh W. Sheffey, Benjamin Crawford, George Baylor, William Kinney, John A. Davidson, J. Marshall McCue, Bolivar Christian, John H. McCue, Robert G. Bickle, Nicholas C. Kinney, John B. Baldwin, William A. Bell, Davis A. Kayser, James A. Cochran, Absalom Koiner, William B. Kayser and Shelton S. Abney.

State securities to be deposited with state treasurer.

3. Whenever the said bank shall logally transfer to and deposit with the treasurer of this state, in trust for and for the purposes of said bank, certificates of the public debt of the state, or the bonds of any improvement company or companies guaranteed by the state, bearing six per cent. interest, to the amount of one hundred thousand dollars, the said Central Bank of Virginia shall be authorized to deliver notes of any denomination it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount

authenticated and signed.

of stock so deposited, upon the face of which shall be printed or written Bank notes, how the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by the treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of And such notes, so countersigned, shall be redelivered said treasurer. Amount of notes to the proper officer of said bank; and the said bank so receiving the

issuable by bank. same may thereupon issue its notes aforesaid to the full amount of the stock or guaranteed bonds so delivered, and none others whatsoever. And from time to time, upon further deposits of such certificates of debt or guarantees of the state by said bank, in sums of not less than twenty thousand dollars, the said bank may thereupon in like manner issue notes, countersigned as aforesaid, to the full amount so deposited; but such issues shall not in the aggregate exceed the capital herein provided.

Commencement.

4. This act shall be in force from its passage.

CHAP. 120.—An ACT to amend the act passed March 29th, 1851, entitled " an act to incorporate the Bank of the Old Dominion, the Bank of Commerce at Fredericksburg and the Mechanics and Traders Bank of the City of Norfolk."

[Passed May 12, 1852.]

Fifth section of Act of March 29th, 1851, amended. p. 45.

State securities to be deposited with state trea-

surer. Bank notes, how authenticated

and signed.

1. Be it enacted by the general assembly, That the fifth section of the act passed the twenty-ninth day of March one thousand eight hundred and fifty-one, entitled "an act to incorporate the Bank of the Old Domi-See Acts 1850-51, nion, the Bank of Commerce at Fredericksburg, and the Mechanics and Traders Bank of the City of Norfolk," be re-enacted and amended, so as to read as follows: Whenever the said bank shall legally transfer to and deposit with the treasurer of this state in trust for and for the purposes of said bank, certificates of the public debt of the state, or the bonds of any improvement company guaranteed by the state, bearing six per cent. interest, to the amount of two hundred thousand dollars, the said Bank of the Old Dominion shall be authorized to deliver notes of any denomination

> it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock or guaranteed bonds so deposited, upon the face of which shall be printed

or expressed the words, " Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of said treasurer; and such notes so countersigned shall be Amount of notes redelivered to the proper officer of said bank; and the said bank so reissuable by bank. ceiving the same may thereupon issue its notes aforesaid to the full amount of the stock so deposited, and none others whatsoever; and from

time to time, upon further deposits of such certificates of debt or guaranteed bonds by said bank, in sums of not less than ten thousand dollars, the said bank shall thereupon in like manner issue notes, countersigned as aforesaid, to the full amount of the stock so deposited; but such issue Cancellation and shall not in the aggregate exceed the capital herein provided.

issue of renewed said treasurer shall, upon the application of such bank, receive and cannotes. cel any of its notes countersigned as aforesaid that have become muti-

hated or defaced, and in lieu thereof shall countersign and redeliver other bank notes of like denomination or of equal amount; and such notes shall be numbered and registered by the said treasurer as "renewed

2. That the eighth section of said act be re-enacted and amended, so State securities as to read as follows: The said treasurer may retransfer the said cer-may be retransferred on canceltificates of debt or guaranteed bonds, or any part thereof, upon receiving ling notes. and canceling an equal amount of the notes countersigned and redelivered as aforesaid, unless in his opinion the security of the notes outstanding should require the same to be retained. When the principal of When state secuany of the certificates of debt or guaranteed bonds so deposited shall be rities are paid, paid to the treasurer, he shall give notice thereof to the bank by which paid to bank and such certificates of debt or bonds were deposited, and may pay the mo-notes cancelled. ney so received to said bank, upon the delivery to him of an equal amount of its notes, which he shall cancel as aforesaid, or may invest such mo- Authority to reney, wholly or in part, as he may deem necessary, for the security of such invest. notes, in other such certificates or bonds; but said treasurer shall not Capital not to be make any such retransfer or payment, so as to reduce the capital below reduced below the minimum amount hereby required, except upon notice, in the manner bereinafter provided, of the intention of such bank to cease business and

wind up its affairs.

3. That when the charter granted by the act aforesaid to the bank of How bank may the Old Dominion is about to expire, or whenever said bank shall give wind up and obtain its securities. shall actually cease to transact the business of banking, the said treasurer shall retransfer to said bank the certificates of debt or bonds deposited by it as aforesaid, or any part thereof, upon receiving an equal amount of the notes of said bank countersigned as aforesaid; and if, after notice of such intention has been published for eight weeks in some newspaper of the most general circulation in the state, payment of a portion of said bank notes be not demanded, so that a reasonable presumption may arise that the same have been lost or destroyed, the said treasurer may retransfer the residue of said certificates of debt or bonds to said bank, upon receiving from at least five of the stockholders thereof, Bond and secuwith at least five good and sufficient securities, to be approved of by him. rity required of a joint and several bond, payable to the commonwealth of Virginia, in a stockholders. penalty equal to three times the amount of such outstanding and unredeemed notes, and conditioned to pay the same on demand at the place of business of such or of either of the obligors therein; which bond Bond to be reshall be recorded in the manner prescribed in the fourth section of chap-corded and to ter one hundred and eighty-six of the Code of Virginia, and shall have judgment the force of a judgment; and for every breach of the condition thereof, See Code, p. 708. judgment may be rendered and execution issued upon ten days' notice, deemed. a the name of the commonwealth, for the benefit of the holder of any such unredeemed notes, for the amount thereof and costs.

4. There shall be no dividing of profits of a higher rate than six per Limitation of dicent. per annum on the capital stock of any such bank, paid in for the vidends. first year, until the bank shall have a surplus or contingent fund, arising from profits, of at least one per cent. of its capital stock, nor for any subsequent year, until an additional one per cent. shall have been added to said fund for such year, until such fund shall amount to five per cent. of the capital paid in; nor shall any dividend of profits be made by which

such fund shall at any time be reduced.

5. Be it further enacted, That the twelfth section of an act to incorpo- Bank of Comrate the Bank of the Old Dominion, the Bank of Commerce at Frede-merce establish ricksburg, and the Mechanics and Traders Bank of the City of Norfolk, burg. passed March the twenty-ninth, eighteen hundred and fifty-one, be reenacted and amended, so as to read as follows: It shall be lawful to establich a bank in the town of Fredericksburg in the county of Spotsylvania, to be called "The Bank of Commerce," with a capital of not less than Capital. one hundred thousand dollars nor more than three hundred thousand dollars, to be raised by subscriptions in shares of one hundred dollars each. Books of subscription shall be opened in the town of Fredericksburg, on Books of subthe first Monday in July next, or at such time as shall be designated by when and by

Rights, powers

Part of act not applicable to Bank of Commerce.

Commencement.

the commissioners, under the superintendence of John M. Whittemore, Hugh Scott, Thomas F. Knox, Joseph Sanford, A. K. Philips, William F. Cheek, John Coakley, Thomas A. B. Ball, John J. Young and John S. Caldwell: any five of the commissioners shall have power to act. The said bank shall have and possess all the rights, powers and privileges, and be subject to all the restrictions and limitations mutatis mutandis herein given to or imposed upon the Bank of the Old Dominion, except the provisions of the fourth section hereof, which shall not be applicable to the said Bank of Commerce.

6. This act shall be in force from its passage.

CHAP. 121-An ACT concerning the Fairmont Bank. [Passed February 9, 1852.]

State securities to be deposited with state treasurer.

Notes, how authenticated and signed.

Liability of stockholders

Circulation limited.

Limitation of loans and discounts.

Act not to take effect until minimum capital secured.

Expenses of act to be paid by benk.

1. Be it enacted by the general assembly of Virginia, That when ever the Fairmont Bank shall legally transfer to and deposit with the treasurer of this state, in trust for and for the purposes of said bank, certificates of the public debt of the state, (or the bonds of any improvement company or companies guaranteed by the state,) bearing six per cent. interest, to the amount of fifty thousand dollars, the said Fairmont Bank shall be authorized to deliver notes of any denomination it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposited, upon the face of which shall be printed or expressed the words, "Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in

proper books to be provided and kept for that purpose in the office of Amount of notes the said treasurer. And such notes so countersigned shall be redelivered issuable by bank to the proper officer of said bank; and the said bank so receiving the same may thereupon issue its notes aforesaid to the full amount of the stock or guaranteed bonds so deposited, and none others whatsoever. And from time to time, upon further deposits of such certificates of debts or guarantees of the state by said bank, in sums of not less than five thousand dollars, the said bank shall thereupon in like manner issue notes countersigned as aforesaid to the full amount so deposited; but such issues shall not in the aggregate exceed the capital herein provided. 2. Be it further enacted, That each and every stockholder in said bank

shall be liable, ratably, out of his private estate, for the circulation and the express contract debts of said bank to the amount of the stock owned by him, upon a failure of the said bank to redeem its notes or pay said debts. The total amount of the paper circulation of the bank hereby incorporated shall never exceed five times the amount of coin in possession and actually the property of the bank. If the coin be reduced to less than one-fifth of its paper circulation, the bank shall thenceforth make no new loan or discount until its coin shall be to its paper circulation at least in the proportion of one to five: Provided however, That this act shall not take effect, so as to authorize the making of loans or discounts or the transaction of any banking business, until the minimum amount of the capital hereby authorized shall be deposited in state stocks or guaranteed bonds as aforesaid, with the treasurer of this commonwealth, as is provided by the first section of this act. The costs to the state arising from the provisions of this act shall be paid by the said

Repealing clause. 3. And be it further enactea, 1 Hat sections have all the town of Fairmont See Acts 1850-51, titled "an act to establish an independent bank in the town of Fairmont March treaty-second, eighteen hundred in the county of Marion," passed March twenty-second, eighteen hundred and fifty-one, be and the same are hereby repealed.

CHAP. 122.—An ACT incorporating the Bank of Rockbridge. [Passed May 21, 1852.]

Bank established at Lexington. Capital.

1. Be it enacted by the general assembly, That it shall be lawful to establish a bank in the town of Lexington, the capital stock of which shall not be less than fifty thousand dollars, nor more than two hundred thousand dollars, to be raised by subscriptions in shares of one hundred dol-

lars each. Books of subscription for raising the stock aforesaid shall be Books for subopened on the first Monday in July, under the superintendence of Sa. scriptions, when muel McD. Moore, James T. Patton, William White, Jacob M. Ruff, D. opened.

S. Hill, John W. Barclay, James G. Ranson and Samuel McD. Reid.

2. Any five of the commissioners aforesaid shall have full power to Rights, powers act, and their rights, powers and duties in relation to the said bank shall and duties of be in all respects, as far as possible, such as are prescribed by the Code commissioners. of Virginia. The said commissioners shall be and are hereby authorized Subscriptions, to receive subscriptions, payable partly in money and partly in the stocks how payable and of this state, or the bonds of any improvement company or companies in what funds. guaranteed by the state: the medium of payment to be expressed at the time of making such subscriptions, and the stock or guaranteed bonds to be transferred to the bank, and money paid over so soon as the president and directors thereof shall be elected.

3. It may be lawful for a majority of the persons named at Lexington How other places to select any additional places for opening books of subscription to the for subscriptions

ed.

stock of said bank, and to appoint commissioners.

4. The said bank at Lexington shall be called "The Bank of Rock-Bank of Rockbridge;" and by this name and style, the stockholders thereof and their bridge incorporated. successors shall be a body politic and corporate, with all the rights, Rights, powers powers and privileges conferred upon banks of this state by chapters and restrictions. fifty-seven and fifty-eight, except the seventh section of chaper fifty-eight of the Code of Virginia; and shall moreover be subject to all the rules, regulations and restrictions imposed by, and subject to all the provisions of the said fifty-seventh and fifty-eighth chapters, except so far as they are inconsistent with this act; and except further, that the stockholders who to appoint shall appoint or elect their directors.

5. Whenever the said bank shall legally transfer to and deposit with State securities the treasurer of this state, in trust for and for the purposes of said bank, to be deposited with state treasurer of the purposes of said bank, to be deposited with state treasurer of the purposes of said bank, to be deposited with state treasurer of the purposes of said bank, to be deposited with state treasurer of the purposes of said bank, to be deposited with state treasurer of the purposes of said bank, to be deposited with state treasurer of the purposes of said bank, to be deposited to the purposes of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of said bank, to be deposited to the purpose of th certificates of the public debt of the state, or the bonds of any improve-surer. ment company or companies guaranteed by the state, bearing six per cent. interest, to the amount of fifty thousand dollars, the said Bank of Rockbridge shall be authorized to deliver notes of any denomination it Bank notes, how may select, not less than five dollars, to the treasurer, in the usual form authenticated of bank notes intended for circulation, to the full amount of the stock and signed. or guaranteed bonds so deposited, upon the face of which shall be written or printed the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of said treasurer. And such notes, so countersigned, Amount of notes shall be redelivered to the proper officer of said bank; and the said bank issuable by bank. so receiving the same may thereupon issue its notes aforesaid to the full amount of the stock or guaranteed bonds so deposited, and none others And from time to time, upon further deposits of such certiacates of debt of the state or guaranteed bonds by said bank, in sums of not less than ten thousand dollars, the said bank may thereupon, in like manner, issue notes, countersigned as aforesaid, to the full amount so deposited; but such issues shall not in the aggregate exceed the capital herein provided. And the said treasurer shall, upon the application Cancellation of of the said bank, receive and cancel any of its notes, countersigned as old and issue of aforesaid, that have become mutilated or defaced, and in lieu thereof renewed notes. shall countersign and redeliver other bank notes of like denomination or of equal amount; and such notes shall be numbered and registered by the said treasurer as "Renewed notes."

6. The treasurer shall, at the time of receiving such certificates of Authority to stock or guaranteed bonds, give to the said bank authority to draw the draw interest on interest thereon, as the same may become due and payable, for the use of state securities. the bank; which authority shall continue in force until the said bank shall fail to redeem any of its said issues in specie; in which case, the party Interest stopped charged with the payment of said interest shall be forthwith notified of on failure to resuch failure, and thereafter such interest shall be payable to said treasu-

rer, to be applied to the payment of such notes if necessary.

7. In case the said bank shall at any time hereafter, on lawful Remedy given demand, during its usual hours of business, at the place where such failure to redeem.

Protest, and proceedings thereon.

Duty of treasurer.

rized to apply trust fund to payment of notes.

Power to sell fund.

State securities may be retrans-ferred on cancelling notes.

paid, amount to be paid to bank on cancellation of notes or reinvested.

reduced below its minimum.

How bank may wind up and ob-tain securities.

Bond and security required of stockholders.

Bond to be recorded and have force of judgment.

Felony for treasurer to countersign notes illegally, or to re-duce their securities.

notes are payable, fail or refuse to redeem any such note or notes in the lawful money of the United States, the holder of such note or notes making such demand, may cause the same to be protested for nonpayment in the usual manner, and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing, to the president or cashier of said bank, to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon, (unless he shall be satisfied there is good and legal defence against the payment of such note or notes,) give notice, in at least three newspapers published in the state, that all the notes issued by the said bank as aforesaid, will be redeemed out of the trust property Treasurer autho in his hands deposited as aforesaid. And it shall be lawful for the treasurer and he is hereby required to apply the said trust property to the payment of such notes, with costs of protest and interest, and to adopt such measures for the payment of all such notes as will in his opinion most effectually prevent loss to the holders thereof; and to this end he shall have power to sell the same, or so much thereof as may be necessary, at public auction.

equal amount of the notes countersigned and redelivered as aforesaid, unless in his opinion the security of the notes outstanding should require when stocks are the same to be retained. When the principal of any of the certificates of debt or guaranteed bonds so deposited shall be paid to the treasurer, he shall notify the said bank thereof, and may pay the money so received to said bank, upon the delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same wholly or in part, as he may deem necessary for the security Capital not to be of said notes, in other such certificates or bonds; but said treasurer shall not make any such retransfer or payment, so as to reduce the capital below the minimum amount hereby required, except upon notice, in the manner hereinafter provided, of the intention of such bank to cease business and wind up its affairs.

8. The said treasurer may retransfer the said certificates of debt or

guaranteed bonds, or any part thereof, upon receiving and cancelling an

9. That when the charter granted by this act is about to expire, or whenever said bank shall give notice to the said treasurer of its intention to wind up its affairs, and shall actually cease to transact the business of banking, the said treasurer shall retransfer to said bank the certificates of debt or bonds deposited by it as aforesaid, or any part thereof, upon receiving an equal amount of the notes of said bank, countersigned as aforesaid; and if after notice of such intention has been published for eight weeks, in some newspaper in the place wherein said bank is situated, and in at least two other newspapers of the most general circulation in the state, payment of a portion of said bank notes be not demanded, so that a reasonable presumption may arise that the same have been lost or destroyed, the said treasurer may retransfer the residue of said certificates of debt or bonds to said bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities to be approved of by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to three times the amount of such outstanding and unredeemed notes, and conditioned to pay the same upon demand at the place of business of such bank, or either of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and eighty-six of the Code of Virginia, and shall have the force of a See Code, p. 70e. judgment; and for every breach of the condition thereof, judgment may be rendered, and execution issued, upon ten days' notice, in the name of the commonwealth, for the benefit of the holder of any such unredeemed notes, for the amount thereof and costs.

10. Should the treasurer countersign notes of the said bank to a greater amount than the stock or guaranteed bonds so deposited, or wilfully reduce the amount of such securities in any manner below the amount of the outstanding notes of said bank, he shall, on conviction, be adjudged guilty of a felony, and shall be punished by fine of not less than one thousand nor more than ten thousand dollars, and by imprissament in the penitentiary house not less than three nor more than Punishment. fiteen years. And any officer or officers of the said bank, who shall aid Officers of banks or assist the said treasurer in issuing or countersigning a larger amount aiding treasurer of notes than the amount of stock or guaranteed bonds so deposited as illegally, how of notes than the amount of stock or guaranteed bonds so deposited as illegally, aforesaid, shall be adjudged guilty of the like offence, and liable to the punishable.

same conviction and punishment.

11. Each and every stockholder in said bank shall be liable, ratably, Liability of stock out of his private estate, for the circulation and express contract debts of holders. said bank, to the amount of stock owned by him, upon a failure of the said bank to redeem its notes or pay its debts. The total amount of Circulation of the paper circulation of the bank hereby incorporated shall never exceed five times the amount of coin in possession and actually the property of the bank. If the coin be reduced to less than one-fifth of its Limitation of paper circulation, the bank shall thenceforth make no new loan or loans and dis-discount until its coin shall be to its paper circulation at least the proportion of one to five: Provided however, That this act shall not take Act not valid uneffect, so as to authorize the said bank to make loans or discounts or til minimum ca transact any other banking business, until the minimum amount of the capital hereby authorized shall be deposited in state stocks or guaranteed bonds as aforesaid, with the treasurer of the commonwealth, as is provided by the fifth section of this act. The costs to the state arising Expenses of act from the provisions of this act shall be paid by the said bank.

12. The charter of the said bank shall continue and be in force twenty Duration of years from and after the passing thereof, unless sooner repealed or charter.
Under control of Legislature.

bank.

CHAP. 123.—An ACT establishing an Independent Bank in the town of Hampton in the county of Elizabeth City.

[Passed May 22, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to estab. Bank established hish a bank in the town of Hampton in the county of Elizabeth City, at Hampton. the capital stock of which shall be not less than one hundred thousand Capital. dollars and not more than two hundred thousand dollars, to be raised by subscriptions of fifty dollars each. Books of subscriptions for receiving Books for subthe stock shall be opened on the first Monday in July next, and remain where and by open until the stock shall be subscribed, at Hampton in the county of whom opened. Elizabeth City, under the superintendence of Robert A. Armistead, Richard G. Banks, William I. Smith, Charles H. Mallory, George Booker, Thomas Peck, John B. Cary, John M. Willis, Kennon Whiting, Robert H. Vaughan, Cary S. Jones, William S. Sclater, Samuel Cummings and George M. Bates.

2. Any three of the commissioners aforesaid shall have full power to Rights, powers att, and their rights, powers and duties in relation to the said bank shall and duties of commissioners. be in all respects, as far as practicable, such as are prescribed by the Code of Virginia. The said commissioners shall be and they are hereby au-Subscriptions, thorized to receive subscriptions, payable partly in money and partly in how payable. the stocks of this state: the medium of payment to be expressed at the time of making such subscriptions, and the stock to be transferred to the

bank so soon as the president and directors shall be elected.

3. It shall be lawful for a majority of the persons named as commis-Other places for sioners at Hampton to select any additional places for opening books of subscriptions. subscriptions to the stock of said bank, and to appoint commissioners to attend the same.

thereof and their successors shall be a body politic and corporate, with corporated all the rights, powers and privileges conferred upon banks of this state Rights, powers by chapters fifty-seven and fifty-eight of the Code of Virginia, except and restrictions. the seventh section of chapter fifty-eight; and shall, moreover, be subject to all the rules, regulations and restrictions imposed by the chapters aforesaid, except so far as they are inconsistent with this act; and except further, that the stockholders shall appoint or elect the directors.

State securities to be deposited authenticated.

5. Whenever the said bank shall legally transfer to and deposit with to be deposited the treasurer of this state in trust for and for the purposes of said bank, with state treasurer. certificates of the public debt of the state bearing six per cent. interest. Bank notes, how to the amount of one hundred thousand dollars, the said bank shall be authorized to deliver notes of any denomination it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposited, upon the face of which shall be printed or expressed the words, "Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of said treasurer.

Amount of notes And such notes so countersigned shall be redelivered to the proper officer

issuable by bank of said bank; and the said bank so receiving the same may thereupon issue its notes aforesaid to the full amount of the stock so deposited, and none others whatsoever. And from time to time, upon further deposits of such certificates of debt of the state by the said bank, in sums of not less than five thousand dollars, the said bank shall thereupon in like manner issue notes, countersigned as aforesaid, to the full amount so deposited; but such issues shall not in the aggregate exceed the capital herein provided.

Authority to state securities. Interest stopped on failure to redeem notes.

6. The treasurer shall, at the time of receiving such certificates of draw interest on stock, give the said bank authority to draw the interest thereon as the same may become due and payable, for the use of said bank; which authority shall continue in force until the said bank shall fail to redeem any of its said issues in specie; in which case the party charged with payment of said interest shall be forthwith notified of such failure, and thereafter such interest shall be payable to said treasurer, to be applied if necessary to the payment of such notes.

Remedy given noteholder for failure to redeem.

Duty of treasu-

TAT.

In case the said bank shall at any time hereafter, on lawful demand. during its usual hours of business, at the place where such notes are payable, fail or refuse to redeem any such note or notes in the lawful Protest, and pro-money of the United States, the holder of such note or notes making coodings thereon. such demand may cause the same to be protested for nonpayment in the usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall imme-

Treasurer authorized to ap ply trust fund to payment of

notes.

fund.

Power to sell

State securities may be retransferred on canceling notes. When stocks, &c. are paid, amount to be

paid to bank or reinvested.

diately thereupon (unless he shall be satisfied there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published in the state, that all the notes issued by said bank as aforesaid will be redeemed out of the trust property in his hands deposited as aforesaid. And it shall be lawful for the treasurer, and he is hereby required to apply the said trust property to the payment of such notes, with costs of protest and interest, and to adopt such measures for the payment of such notes as will, in his opinion, most effectually prevent loss to the holders thereof; and to this end he shall have power to sell the same, or so much thereof as shall be necessary, at public auction.

8. The said treasurer may retransfer the said certificates of debt, or any part thereof, upon receiving and canceling an equal amount of the notes issued as aforesaid, unless in his opinion the security of the notes outstanding should require the same to be retained. When the principal of any of the certificates of debt so deposited shall be paid to the treasurer, he shall notify the said bank thereof, and may pay the money so received to the said bank, upon the delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same wholly or in part, as he may deem necessary for the security of said notes, in other such certificates.

9. Should the treasurer countersign notes of the said bank to a greater amount of the stock so deposited, or wilfully reduce the amount of the outstanding notes of said bank, he shall, upon conviction, be adjudged guilty of a felony, and shall be punished by fine of not less than one thousand nor more than ten thousand dollars, and by imprisonment in the penitentiary house for not less than three nor more than fifteen years.

Felony for trea-surer to countersign notes illegally, or to re-duce their securities. Punishment.

BANKS.

And any officer or officers of said bank, who shall aid or assist the said Officers of banks treasurer in issuing or countersigning a larger amount of notes than the aiding treasurer amount of stocks so deposited as aforesaid, shall be adjudged guilty of punishable.

the like offence and liable to the same conviction and punishment.

10. Each and every stockholder in said bank shall be liable, ratably, Liability of out of his private estate, for the circulation and the express contract stockholders. debts of said bank, upon the failure of the said bank to redeem its notes or pay said debts. The total amount of the paper circulation of Circulation of the bank hereby incorporated shall never exceed five times the amount notes limited. of coin in possession and actually the property of the bank. If the Limitation of coin be reduced to less than one-fifth of its paper circulation, the bank loans and disshall thenceforth make no new loan or discount until its coin shall be to its paper circulation at least the proportion of one to five: Provided Act not to take however, That this act shall not take effect, so as to authorize the making effect until mining loans or discounts or the transaction of any banking business, until cured. the minimum amount of the capital hereby authorized shall be deposited in state stocks as aforesaid with the treasurer of this commonwealth, as is provided by the fifth section of this act. The costs to the state arising Expenses of act to be paid by from the provisions of this act shall be paid by the said bank. bank.

11. The charter of the said bank shall continue and be in force for Duration of twenty years from and after the passage thereof, unless sooner repealed charter.

or modified by some future laws.

12. This act shall be in force from its passage.

CHAP. 124.—An ACT amending and re-enacting the act incorporating the Independent Bank of Portsmouth.

[Passed May 5, 1852.]

1. Be it enacted by the general assembly, That the second, third and Repeal of certain fourth sections of the act passed on the thirty-first day of March eighteen sections of act of handred and fifty-one, entitled "an act authorizing the establishment of See Acts 1850-51, a savings bank, and the Independent Bank of Portsmouth," be and the p. 54, c. 63. same are hereby repealed, and the following substituted therefor:

2. That it shall be lawful to establish a bank in the town of Ports-Bank established mouth, the capital stock of which shall not be less than one hundred at Portsmouth. thousand dollars, and may by the said bank be from time to time increased so that the total amount shall not be more than five hundred thousand dollars, in shares of one hundred dollars each. Books of subscription Books for subfor raising the stock aforesaid shall be opened at such time as the com-scriptions, where, when and missioners hereinafter named may prescribe, and remain open till the by whom open-minimum amount of the capital stock aforesaid shall be subscribed, at ed. the town of Portsmouth in the county of Norfolk, under the superintendence of Darien P. Daughty, John Nash, James Cameron, William M. Levy, John N. Ashton, William I. Cocke, John W. Keeling, Arthur Emmerson, Charles L. Cocke, John Lash, Willoughby G. Butler, Robert M. Boykin and William Collins.

2. Any five of the commissioners aforesaid shall have full power to Rights, powers act, and their rights, powers and duties in relation to the said bank shall and duties of be in all respects, as far as applicable, such as are prescribed by the Code commissioners. of Virginia. The said commissioners shall be and they are hereby Subscriptions, authorized to receive subscriptions, payable in money or in stocks of this how payable. state or bonds of any improvement company or companies guaranteed by the state, or partly in money and partly in such stocks or bonds: the medium of payment to be expressed at the time of making such subscriptions, and the stocks or bonds to be transferred to the bank and money paid over as soon as the president and directors thereof shall be

3. It shall be lawful for a majority of the persons named as commis- Other places for sioners at Portsmouth, to select any additional places for opening books subscriptions of subscription to the stock of said bank, and to appoint commissioners

to superintend the same. 4. The said bank at Portsmouth shall be called "The Independent Independent Bank of Portsmouth;" and by this name and style, the stockholders mouth incorporate with mouth incorporate with the stockholders m thereof, and their successors, shall be a body politic and corporate, with rated.

Rights, powers

Directors, how appointed.

State securities to be deposited with state treasurer.

anthenticated and signed.

Cancellation of old and issue of renewed notes.

Authority to state stocks and bonds.

Interest stopped on failure to redeem notes.

Remedy given note holder for failure to redeem.

Protest and proceedings thereon.

Duty of treasu-

rized to apply trust fund to Power to sell

State securities may be retransing notes.

all the rights, powers and privileges conferred upon banks of this state by chapters fifty-seven and fifty-eight, except the seventh section of chapter fifty-eight of the Code of Virginia; and shall moreover be subject to all the rules, regulations and restrictions imposed by and subject to all the provisions of the said fifty-seventh and fifty-eighth chapters, except so far as they are inconsistent with this act; and except further, that the stockholders shall appoint or elect the directors.

5. Whenever the said bank shall legally transfer to and deposit with the treasurer of this state, in trust for and for the purposes of said bank, certificates of the public debt of the state or the bonds of any improvement company or companies guaranteed by the state, bearing six per cent. Bank notes, how interest, to the amount of one hundred thousand dollars, the said Inde-

pendent Bank of Portsmouth shall be authorized to deliver notes of any denomination it may select, not under five dollars, to the said treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposited, upon the face of which shall be written or printed the words "Secured by pledge of state securities;" and each bank note shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of said treasurer. And such notes so countersigned shall Amount of notes be redelivered to the proper officer of said bank, and the said bank so issuable by bank. receiving the same may thereupon issue its notes aforesaid to the full

> to time upon further deposits of such certificates of debt or guarantees of the state by said bank in sums of not less than five thousand dollars, the said bank may thereupon in like manner issue notes, countersigned as aforesaid, to the full amount so deposited, but such issues shall not in the aggregate exceed the capital herein provided. And the said treasurer shall, upon the application of such bank, receive and cancel any of its notes, countersigned as aforesaid, that have been mutilated or defaced, and in lieu thereof, shall countersign and redeliver other bank notes of like denomination or of equal amount, and such notes shall be numbered and registered by the said treasurer as "Renewed notes."

> amount of the stock or guaranteed bonds so deposited; and from time

6. The treasurer shall, at the time of receiving such certificates of stock draw interest on or guaranteed bonds, give to the said bank authority to draw the interest thereon, as the same may become due and payable, for the use of the said bank; which authority shall continue in force until the said bank shall fail to redeem any of its issues in specie; in which case the party charged with the payment of said interest shall be forthwith notified of such failure, and thereafter such interest shall be payable to said treasurer, to be applied if necessary to the payment of such notes.

7. In case the said bank shall at any time hereafter, on lawful demand, during its usual hours of business, at the place where such notes are payable, fail or refuse to redeem any such note or notes in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for nonpayment, in the usual manner; and the said treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published in the state, that all the notes issued by the said bank as aforesaid will be redeemed out of the trust property in his hands deposited Tressurer autho as aforesaid; and the said treasurer shall apply the said trust property rized to apply to the payment of such notes, with costs of protest and interest, and payment of notes. adopt such measures for the payment of all such notes as will in his opinion most effectually prevent loss to the holders thereof; and to this end, he shall have power to sell the same, or so much thereof as shall be necessary, at public auction.

8. The said treasurer may retransfer the said certificates of debt or may be retrans-ferred on cancel bonds, or any part thereof, upon receiving and canceling an equal amount of the notes issued as aforesaid, unless in his opinion the security of the

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notes outstanding should require the same to be retained. When the Whon stocks, principal of any of the certificates of debt or bonds so deposited shall &c. are paid, be paid to the said treasurer, he shall certify the said bank thereof, and paid to bank or may pay the money so raised to said bank, upon the delivery to him of reinvested. an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same, wholly or in part, as he may deem necessary for the security of said notes, in other such certificates or honds.

9. Should the said treasurer countersign notes of the said bank to a Felony for treagreater amount than the stock or guaranteed bonds so deposited, or will-sign notes illefully reduce the amount of such securities in any manner below the gally, or to reamount of the outstanding notes of said bank, he shall, upon conviction, duce securities. Punishment. be adjudged guilty of felony, and shall be punished by fine of not less than one thousand nor more than ten thousand dollars, and by imprisonment in the penitentiary house for not less than three nor more than fifteen gears; and any officer or officers of the said bank who shall aid or Officers of banks assist the said treasurer in issuing or countersigning a larger amount of aiding treasurer or issuing notes than the amount of stock or guaranteed bonds so deposited as afore-insuing notes said, shall be adjudged guilty of the like offence and liable to the same punishable.

conviction and punishment.

10. Each and every stockholder in said bank shall be liable, ratably, Liability of out of his private estate, for the circulation and the express contract stockholders. debts of said bank to the amount of stock held by him, upon a failure of the said bank to redeem its notes, or pay said debts. The total Circulation of amount of the paper circulation of the bank hereby incorporated shall notes limited. aot exceed five times the amount of coin in possession and actually the property of the bank. If the coin be reduced to less than one-fifth of Limitation of its paper circulation, the bank shall thenceforth make no new loan or class and discount until its coin shall be to its paper circulation at least the proportion of one to five: Provided however, That this act shall not take effect, so as to authorize the making of loans or discounts or the transmum capital section of any banking business, until the minimum amount of the capital cured. Hereby authorized shall be deposited in state stocks or guaranteed bonds as aforesaid with the treasurer of this commonwealth, as is provided by the fifth section of this act. The costs to the state arising from the pro-Expenses paid visions of this act shall be paid by the said bank.

11. The charter of the said bank shall continue and be in force for Commencement twenty years from and after the passage hereof, unless sooner repealed and charter.

or modified by some future laws.

CHAP. 125.—An ACT to incorporate the Bank of Scottsville. [Passed May 28, 1852.]

1. Be it enacted by the general assembly of Virginia, That it shall be Bank established lawful to establish a bank in the town of Scottsville in the county of at Scottsville. Albemarle, the capital stock of which shall not be less than fifty thou-Capital. sand dollars nor more than two hundred thousand dollars, to be raised by subscriptions in shares of one hundred dollars each. Books of sub-Books for subscription for raising the stock aforesaid shall be opened on the first Mon-scriptions, when, day in July next, and remain open till the stock shall be subscribed, at whom opened. Scottsville in the county of Albemarle, under the superintendence of Thomas Staples, John Tyler, James W. Mason, Edward H. Moon, P. S. Coles, J. D. Moon, junior, William C. Adams and Doctor B. F. Randelph.

2. Any three of the commissioners shall have full power to act, and Rights, powers their powers, rights and duties in relation to said bank shall be in all respects, as far as applicable, such as are prescribed by the Code of Virginia. The said commissioners shall be and they are hereby authorized subscriptions, to receive subscriptions, payable in money or payable in the stocks of how payable. this state or the bonds of any company or companies guaranteed by the state: the medium of payment to be expressed at the time of making such subscriptions, and the stock or guaranteed bonds to be transferred to the bank, and the money paid over so soon as the president and directors thereof shall be elected.

Other places for subscriptions.

3. It shall be lawful for a majority of the persons named as commissioners at Scottsville to select any additional places for opening of subscription to the stock of said bank, and appoint commissioners to superintend the same.

Bank of Scottsville incorporated. Rights, powers and restrictions.

4. The said bank at Scottsville shall be called "The Bank of Scottsville;" and by this name and style, the stockholders thereof and their successors shall be a body politic and corporate, with all the rights, powers and privileges conferred upon banks of this state by chapters fifty-seven and fifty-eight of the Code of Virginia, except the seventh section of chapter fifty-eight; and shall moreover be subject to all the rules, regulations and restrictions imposed by the said fifty-seventh and fifty-eighth chapters, except so far as they are inconsistent with this act; and except farther, that the stockholders shall elect the directors.

Directors, how appointed. State securities to be deposited with state trea-SHIPP

5. Whenever the said bank shall legally transfer to and deposit with

the treasurer of this state, in trust for and for the purposes of said bank, certificates of the public debt of the state, or the bonds of any company

Bank notes, how authenticated and signed.

or companies guaranteed by the state, bearing six per cent. interest, to the amount of fifty thousand dollars, the said Bank of Scottsville shall be authorized to deliver notes of any denomination it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock or guaranteed bonds so deposited, upon the face of which shall be printed or expressed the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in the books kept for that purpose in the office of the said treasurer; and such notes so countersigned shall be redelivered to the proper

Amount of notes officer of said bank; and the said bank so receiving the same may there-issuable by bank upon issue its notes aforesaid to the full amount of the stock so deposited, and none others whatsoever; and from time to time, upon further deposits of such certificates of debt or guaranteed bonds by said bank, in sums of not less than five thousand dollars, the said bank shall thereupon in like manner issue notes, countersigned as aforesaid, to the full amount of the stock so deposited; but such issues shall not in the aggregate exceed the capital herein provided.

Authority to state securities.

6. The treasurer shall, at the time of receiving such certificates of draw interest on stock, give to the said bank authority to draw the interest thereon as the same may become due and payable, for the use of said bank; which authority shall continue in force until the said bank shall fail to redeem Interest stopped any of its said issues in specie, in which case the party charged with on failure to redeem notes. the payment of such interest shall be forthwith notified of such failure; and thereafter such interest shall be payable to said treasurer, to be applied, if necessary, to the payment of such notes.

Remedy given note holder for failure to redecm. Protest and proceedings thereon.

Duty of treasu-

7. In case the said bank shall at any time hereafter, on lawful demand, during its usual hours of business, at the place where such notes are payable, fail or refuse to redeem any such note or notes in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for nonpayment in the usual manner; and the treasurer, on receiving and filing such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied that there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published in the state, that all the notes issued by the bank aforesaid will be redeemed out of the trust property in his hands, deposited as Treasurer autho. aforesaid. And it shall be lawful for the treasurer and he is hereby required to apply the said trust property to the payment of such notes, with cost of protest and interest, and to adopt such measures for the payment of all such notes as will in his opinion most effectually prevent loss to the holders thereof; and to this end he shall have power to sell the same, or so much thereof as shall be necessary, at public auction.

rized to apply trust fund to payment of notes.

Power to sell.

State securities i ng notes.

8. The said treasurer may retransfer the said certificates of debt or may be trans. guaranteed bonds, or any part thereof, upon receiving and canceling an equal amount of notes issued as aforesaid, unless in his opinion the security of the notes outstanding should require the same to be retained. When the principal of any of the certificates of debt or guaranteed when stocks are bonds so deposited shall be paid to the treasurer, he shall notify the said paid, amount to bank thereof, and may pay the money so received to said bank, upon the be paid to bank delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same wholly or in part, as he may deem necessary for the security of such notes, in other certificates or bonds.

9. Should the treasurer countersign notes of the said bank to a greater Felony for treaamount than the stock or guaranteed bonds so deposited, or willfully re-surer to counter-duce the amount of such securities in any manner below the amount of sign notes illethe outstanding notes of said bank, he shall, upon conviction, be judged duce securities. guilty of felony; and he shall be punished by a fine of not less than one Punishment. thousand nor more than ten thousand dollars, and by imprisonment in the penitentiary house for not less three nor more than fifteen years; and any officer or officers of the said bank who shall aid or assist the Officers of banks said treasurer in issuing or countersigning a larger amount of notes than aiding treasurer the amount of stock or guaranteed bonds so deposited as aforesaid, shall illegally, how be adjudged guilty of the like offence, and liable to the same conviction punishable.

and punishment.

10. Each and every stockholder in said bank shall be liable, ratably, Liabilities of out of his private estate, for the circulation and the express contract stockholders. debts of said bank to the amount of stock or guaranteed bonds owned by him, upon a failure of the said bank to redeem its notes or pay said The total amount of the paper circulation of the bank hereby Circulation of incorporated shall hever exceed five times the amount of coin in pos-notes limited. session and actually the property of the bank. If the coin be reduced to Limitation of less than one-fifth of its paper circulation, the bank shall thenceforth loans and dismake no new loans or discounts until its coin shall be to its paper circu-counts. lation at least the proportion of one to five: Provided however, That this Act not valid till act shall not take effect, so as to authorize the making of loans or dis-minimum cepital counts, or the transaction of any banking business, until the minimum secured. amount of the capital hereby authorized shall be deposited in state stock as aforesaid with the treasurer of this commonwealth, as is provided by the fifth section of this act. The cost to the state arising from the Expenses paid by the fifth section of this act. The cost to the state arising from the Expenses paid by the said bank. provisions of this act shall be paid by the said bank.

11. It may be lawful for a director of the Bank of Scottsville to be Appointment of appointed from each of the counties of Fluvanua and Buckingham.

12. The charter of the said bank shall continue and be in force for Commencement twenty years from and after the passage thereof, unless sooner repealed and duration of charter. or modified by some future laws.

CHAP- 126.—An ACT incorporating the Mechanics Bank at Parkersburg. [Passed May 13, 1852.]

1. Be it enacted by the general assembly of Virginia, That it shall be Bank established lawful to establish a bank in the town of Parkersburg, the capital stock at Parkersburg. Capital. of which shall not be less than fifty thousand dollars, nor more than one hundred and fifty thousand dollars, to be raised by subscription in shares of one hundred dollars each. Books of subscription, for raising the Books for substock aforesaid, shall be opened on the third Monday in June next, and scription, when, remain open till the stock shall be subscribed, at Parkersburg, under the whom opened. superintendence of John J. Jackson, John G. Stringer, John R. Murdoch, Edward Tracewell, Robert S. Smith, jr., Henry H. Dils and Wil-

2. Any five of the commissioners aforesaid shall have full power to Rights, powers act, and their rights, powers and duties in relation to the said bank shall and duties of be in all respects, as far as applicable, such as are prescribed by the commissioners. Code of Virginia. The said commissioners shall be and they are hereby Subscriptions, authorized to receive subscriptions, payable partly in money and partly how payable. in stocks of this state, or all in stocks of this state, or the bonds of any iscorporated company or companies, guaranteed by the state: the medium of payment to be expressed at the time of making such subscriptions, and the stock or guaranteed bonds to be transferred to the bank,

Other places for subscriptions.

thereof shall be elected. 3. It may be lawful for a majority of the persons named as commissioners at Parkersburg to select any additional places for opening books of subscription to the stock of the said bank, and to appoint commis-

sioners to superintend the same.

Mechanics Bank of Parkersburg incorporated. Rights, powers and restrictions.

4. The said bank at Parkersburg shall be called "The Mechanics Bank of Parkersburg;" and by this name and style, the stockholders thereof and their successors shall be a body politic and corporate, with all the rights, powers and privileges conferred upon banks of this state by chapters fifty-seven and fifty-eight, except the seventh section of chapter fifty-eight of the Code of Virginia; and shall moreover be subject to all the rules, regulations and restrictions imposed by, and subject to all the provisions of the said fifty-seventh and fifty-eighth chapters, except so far as they are inconsistent with this act; and except further, that the stockholders shall appoint or elect the directors. 5. Whenever the said bank shall legally transfer to and deposit with

the treasurer of this state, in trust for and for the purposes of the bank, certificates of the public debt of the state, or the bonds of any incorpo-

Bank at Parkersburg shall be authorized to deliver notes of any denomination it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock or guaranteed bonds so deposited, upon the face of which

Directors, how appointed.

State securities to be deposited with state treasurer.

rated company or companies guaranteed by the state, bearing six per Bank notes, how cent. interest, to the amount of fifty thousand dollars, the said Mechanics

authenticated.

Cancellation of old and issue of renewed notes.

Authority to draw interest on state securities.

"Renewed notes."

Interest stopped on failure to redeem notes.

Remedy given note holder for failure to redeem.

coeding thereon. rer.

shall be printed or expressed the words "Secured by pledge of state seand each bank note shall be countersigned by the treasurer, and numbered and registered in proper books to be provided and kept Amount of notes for that purpose in the office of said treasurer. And such notes, so counissuable by bank tersigned, shall be redelivered to the proper officer of said bank, and the said bank so receiving the same may thereupon issue its notes aforesaid to the full amount of the stock so deposited, and none others whatsoever; and from time to time, upon further deposits of such certificates of debt or guaranteed bonds, in sums of not less than ten thousand dollars. the said bank may thereupon in like manner issue notes, countersigned as aforesaid, to the full amount of the certificate or bonds so deposited: but such issues shall not in the aggregate exceed the capital herein provided. And the said treasurer shall, upon application of said bank, receive and cancel any of its notes, countersigned as aforesaid, that have become mutilated or defaced, and in lieu thereof shall countersign and redeliver other bank notes of like denomination or of equal amount; and such notes shall be numbered and registered by the said treasurer as

> 6. The treasurer shall, at the time of receiving such certificates of stock, give to the said bank authority to draw the interest thereon as the same shall become due and payable, for the use of said bank; which authority shall continue in force until the said bank shall fail to redeem any of its said issues in specie; in which case the party charged with the payment of the said interest shall be forthwith notified of such failure; and thereafter such interest shall be payable to said treasurer, to be applied, if necessary, to the payment of such notes.

7. In case the said bank shall, at any time hereafter, on lawful demand, during its usual hours of business, at the place where such notes are payable, fail or refuse to redeem any such note or notes in the law-Pretest and pro- ful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for nonpayment in Duty of treasu- the usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published in the state, that all the notes issued by the said bank as aforesaid will be redeemed out of the trust property in his hands do-

posited as aforesaid; and it shall be lawful for the treasurer and he is Treasurer authohereby required to apply the said trust property to the payment of such rized to apply trust fund to paynotes, with cost of protest and interest, and to adopt such measures for ment of notes. the payment of all such notes as will, in his opinion, most effectually prevent loss to the holders thereof; and to this end, he shall have power Power to sell to sell the same, or so much thereof as shall be necessary, at public fund.

8. The said treasurer may retransfer the said certificates of debt or State securities guaranteed bonds, or any part thereof, upon receiving and canceling an may be retransequal amount of the notes countersigned and redelivered as aforesaid, ing notes. unless in his opinion the security of the notes outstanding should require the same to be retained. When the principal of any of the certificates When stocks are of debt or guaranteed bonds so deposited shall be paid to the treasurer, be paid to bank he shall notify the said bank thereof, and may pay the money so raised or reinvested. to said bank, upon the delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same wholly or in part, as he may deem necessary for the security of said notes, in other such certificates or bonds. But said treasurer shall Capital not to be not make any such retransfer or payment, so as to reduce the capital reduced below its minimum. below the minimum amount hereby required, except upon notice, in the manner hereinafter provided, of the intention of such bank to cease business and wind up its affairs.

9. That when the charter granted by this act to said bank is about to How bank may expire, or whenever said bank shall give notice to the said treasurer of wind up and obits intention to wind up its affairs, and shall actually cease to transact tain securities. the business of banking, the said treasurer shall retransfer to such bank the certificates of debt or bonds deposited by it as aforesaid, or any part thereof, upon receiving an equal amount of the notes of such sank, countersigned as aforesaid; and if after notice of such intention has been published for eight weeks in some newspaper in the place wherein such bank is situated, and in at least two other newspapers of the most general circulation in the state, payment of a portion of such bank notes be not demanded, so that a reasonable presumption may arise that the same have been lost or destroyed, the said treasurer may retransfer the residue of said certificates of debt or bonds to such bank, apon receiving from at least five of the stockholders thereof, with at Bond and seculeast five good and sufficient securities, to be approved of by him, a rity required of stockholders. joint and several bond, payable to the commonwealth of Virginia, in a

penalty equal to three times the amount of such outstanding and unre-deemed notes, and conditioned to pay the same upon demand at the place of business of such bank or of either of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth Bond to be resection of chapter one hundred and eighty-six of the Code of Virginia, corded and have and shall have the force of a judgment; and for every breach of the ment. condition thereof, judgment may be rendered, and execution issued, See Code, p. 708.

span ten days' notice, in the name of the commonwealth, for the benefit Notes, how redeemed. of the holder of any such unredeemed notes, for the amount thereof and

10. Should the treasurer countersign notes of said bank to a greater Felony for treaamount than the stock so deposited, or willfully reduce the amount of surer to sign notes illegally, or such certificates in any manner below the amount of the outstanding to reduce their notes of said bank, he shall, upon conviction, be adjudged guilty of a securities. felony, and shall be punished by fine of not less than one thousand nor Punishment. more than ten thousand dollars, and by imprisonment in the penitentiary bouse for not less than three nor more than fifteen years; and any offi- Officers of banks, cer or officers of said bank, who shall aid or assist the said treasurer in how punishable issuing or countersigning a larger amount of notes than the amount of therefor. stock so deposited as aforesaid, shall be adjudged guilty of the like offence, and liable to the same conviction and punishment.

11. Each and every stockholder in said bank shall be liable, ratably, Liability of out of his private estate, for the circulation and express contract debts of stockholders. said bank, to the amount of stock held by him, upon a failure of said bank to redeem its notes or pay its debts. The total amount of the Circulation of

paper circulation of the bank hereby incorporated shall never exceed notes limited.

Other places for subscriptions.

thereof shall be elected. 3. It may be lawful for a majority of the persons named as commissioners at Parkersburg to select any additional places for opening books of subscription to the stock of the said bank, and to appoint commis-

sioners to superintend the same.

Mechanics Bank of Parkersburg incorporated. Rights, powers and restrictions.

4. The said bank at Parkersburg shall be called "The Mechanics Bank of Parkersburg;" and by this name and style, the stockholders thereof and their successors shall be a body politic and corporate, with all the rights, powers and privileges conferred upon banks of this state by chapters fifty-seven and fifty-eight, except the seventh section of chapter fifty-eight of the Code of Virginia; and shall moreover be subject to all the rules, regulations and restrictions imposed by, and subject to all the provisions of the said fifty-seventh and fifty-eighth chapters, except so far as they are inconsistent with this act; and except further, that the stockholders shall appoint or elect the directors. 5. Whenever the said bank shall legally transfer to and deposit with

the treasurer of this state, in trust for and for the purposes of the bank,

certificates of the public debt of the state, or the bonds of any incorpo-

Bank at Parkersburg shall be authorized to deliver notes of any deno-

Directors, how appointed.

State securities to be deposited with state treasurer.

rated company or companies guaranteed by the state, bearing six per Bank notes, how cent. interest, to the amount of fifty thousand dollars, the said Mechanics

authenticated.

Cancellation of old and issue of renewed notes.

Authority to draw interest on state securities.

Interest stopped on failure to redeem notes.

Remedy given note holder for failure to redeem.

Pretest and proceeding thereon. Duty of treasurer.

mination it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock or guaranteed bonds so deposited, upon the face of which shall be printed or expressed the words "Secured by pledge of state seand each bank note shall be countersigned by the treasurer. and numbered and registered in proper books to be provided and kept Amount of notes for that purpose in the office of said treasurer. And such notes, so counissuable by bank tersigned, shall be redelivered to the proper officer of said bank, and the said bank so receiving the same may thereupon issue its notes aforesaid to the full amount of the stock so deposited, and none others whatsoever; and from time to time, upon further deposits of such certificates of

debt or guaranteed bonds, in sums of not less than ten thousand dollars,

the said bank may thereupon in like manner issue notes, countersigned as aforesaid, to the full amount of the certificate or bonds so deposited; but such issues shall not in the aggregate exceed the capital herein provided. And the said treasurer shall, upon application of said bank, receive and cancel any of its notes, countersigned as aforesaid, that have become mutilated or defaced, and in lieu thereof shall countersign and

redeliver other bank notes of like denomination or of equal amount; and such notes shall be numbered and registered by the said treasurer as

"Renewed notes."

6. The treasurer shall, at the time of receiving such certificates of stock, give to the said bank authority to draw the interest thereon as the same shall become due and payable, for the use of said bank; which authority shall continue in force until the said bank shall fail to redeen any of its said issues in specie; in which case the party charged with the payment of the said interest shall be forthwith notified of such failure; and thereafter such interest shall be payable to said treasurer, to

be applied, if necessary, to the payment of such notes.

7. In case the said bank shall, at any time hereafter, on lawful demand, during its usual hours of business, at the place where such notes are payable, fail or refuse to redeem any such note or notes in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for nonpayment in the usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published in the state, that all the notes issued by the said bank as aforesaid will be redeemed out of the trust property in his hands do-

socited as aforesaid; and it shall be lawful for the treasurer and he is Treasurer authohereby required to apply the said trust property to the payment of such rized to apply trust fund to paynotes, with cost of protest and interest, and to adopt such measures for ment of notes. the payment of all such notes as will, in his opinion, most effectually prevent loss to the holders thereof; and to this end, he shall have power Power to sell to sell the same, or so much thereof as shall be necessary, at public fund. auction.

8. The said treasurer may retransfer the said certificates of debt or State securities guaranteed bonds, or any part thereof, upon receiving and canceling an may be retransequal amount of the notes countersigned and redelivered as aforesaid, ing notes. unless in his opinion the security of the notes outstanding should require
the same to be retained. When the principal of any of the certificates When stocks are
of debt or guaranteed bonds so deposited shall be paid to the treasurer, paid, amount to
he shall notify the said bank thereof, and may pay the money so raised or reinvested.
to said bank, upon the delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same wholly or in part, as he may deem necessary for the security of said notes, in other such certificates or bonds. But said treasurer shall Capital not to be not make any such retransfer or payment, so as to reduce the capital reduced below its minimum. below the minimum amount hereby required, except upon notice, in the manner hereinafter provided, of the intention of such bank to cease

business and wind up its affairs.

9. That when the charter granted by this act to said bank is about to How bank may expire, or whenever said bank shall give notice to the said treasurer of wind up and obits intention to wind up its affairs, and shall actually cease to transact tain securities. the business of banking, the said treasurer shall retransfer to such bank the certificates of debt or bonds deposited by it as aforesaid, or any part thereof, upon receiving an equal amount of the notes of such bank, countersigned as aforesaid; and if after notice of such intention has been published for eight weeks in some newspaper in the place wherein such bank is situated, and in at least two other newspapers of the most general circulation in the state, payment of a portion of such bank notes be not demanded, so that a reasonable presumption may arise that the same have been lost or destroyed, the said treasurer may retransfer the residue of said certificates of debt or bonds to such bank, apon receiving from at least five of the stockholders thereof, with at Bond and seculeast five good and sufficient securities, to be approved of by him, a rity required of joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to three times the amount of such outstanding and unre-deemed notes, and conditioned to pay the same upon demand at the place of business of such bank or of either of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth Bond to be resection of chapter one hundred and eighty-six of the Code of Virginia, corded and have and shall have the force of a judgment; and for every breach of the ment. condition thereof, judgment may be rendered, and execution issued, See Code, p. 708. soon ten days' notice, in the name of the commonwealth, for the benefit Notes, how redeemed. of the holder of any such unredeemed notes, for the amount thereof and

10. Should the treasurer countersign notes of said bank to a greater Felony for treaamount than the stock so deposited, or willfully reduce the amount of surer to sign notes illegally, or such certificates in any manner below the amount of the outstanding to reduce their notes of said bank, he shall, upon conviction, be adjudged guilty of a securities. felony, and shall be punished by fine of not less than one thousand nor Punishment. more than ten thousand dollars, and by imprisonment in the penitentiary house for not less than three nor more than fifteen years; and any offi-Officers of banks, cer or officers of said bank, who shall aid or assist the said treasurer in how punishable issuing or countersigning a larger amount of notes than the amount of therefor. stock so deposited as aforesaid, shall be adjudged guilty of the like offence, and liable to the same conviction and punishment.

11. Each and every stockholder in said bank shall be liable, ratably, Liability of out of his private estate, for the circulation and express contract debts of stockholders. said bank, to the amount of stock held by him, upon a failure of said

bank to redeem its notes or pay its debts. The total amount of the Circulation of paper circulation of the bank hereby incorporated shall never exceed notes limited.

Limitation of loans and discounts.

Act not valid till minimum capital secured.

Expenses paid by bank.

Cancellation of old and issue of new notes.

Commencement and duration of

five times the amount of coin in possession and actually the property of the bank. If the coin be reduced to less than one-fifth of its paper circulation, the bank shall thenceforth make no new loan or discount, until its coin shall be to its paper circulation at least the proportion of one to five: Provided however, That this act shall not take effect, so as to anthorize the said bank to make loans or discounts, or transact any other banking business, until the minimum amount of the capital hereby authorized shall be deposited in state stocks as aforesaid with the treasurer of the commonwealth, as is provided by the fifth section of this act. The cost to the state arising from the provisions of this act shall be

paid by the said bank.

12. When any notes of said bank shall be delivered to the treasurer by the officers thereof, to be canceled or destroyed, he may sign and deliver to such officers for circulation an equal amount of new notes in lieu thereof, and shall destroy the old notes so delivered to him: Provided, That he shall still retain the stocks deposited upon the issue of such old

notes as a security for such new notes. 13. The charter of the said bank shall continue and be in force for twenty years from and after the passage of this act, unless sooner repealed or modified by some future laws.

CHAP. 127.—An ACT to reduce the capital stock of the Merchants Bank of Virginia.

[Passed February 10, 1852.]

Prosmble.

charter.

Whereas application has been made to the general assembly to amend the first section of an act, entitled "an act to incorporate the Merchants Bank of Virginia," passed on the twenty-sixth day of March eighteen hundred and fifty-one, so as to reduce the minimum capital of said bank: Therefore,

Repealing clause. 1. Be it enacted. That the first section of the act, checked. See Acts 1850-51, incorporate the Merchants Bank of Virginia," be and the same is hereby

repealed.

Bank established in Lynchburg. Capital.

Books for subscription, when, where and by whom opened.

2. That it shall be lawful to establish a bank in the town of Lynchburg, the capital stock of which shall not be less than one hundred thousand dollars, nor more than nine hundred thousand dollars, to be raised by subscription of one hundred dollars each. Books of subscription for raising the stock aforesaid shall be opened on the first Monday in March next, and remain open till the stock shall be subscribed, at Lynchburg, in the county of Campbell, under the superintendence of John Early, David R. Edly, John M. Warwick, Charles L. Mosby. Maurice Langborn, Ambrose B. Rucker, Richard G. Morriss, Don T. C. Peters, John D. Murrell, Samuel Miller, Anderson H. Armistead, James M. Cobbs, Martin W. Davenport, John G. Meem, Seth Halsey, David B. Payne, Edwin Matthews, John M. Otey, David W. Burton, Jesse Hare, Thomas Ferguson, Alexander Liggat and Benjamin Wilkes.

Fifth section of

State securities to be deposited with state trea-

surer.

3. Be it further enacted, That the fifth section of the said act is charter repealed. hereby repealed.

4. Whenever the said bank shall legally transfer to and deposit with the treasurer of this state, in trust for and for the purposes of said bank, certificates of the public debt of the state or the bonds of any improvement company or companies guaranteed by the state, bearing six per Bank notes, how cent. interest, to the amount of one hundred thousand dollars, the said authenticated.

Merchants Bank of Virginia shall be authorized to deliver notes of any denomination it may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposited, upon the face of which shall be written or printed the words "Secured by pledge of state securities;" and each bank note shall be countersigned by the treasurer, and numbered and registered in proper books to be provided and kept for that Amount of notes purpose in the office of the said treasurer. And such notes so countersigned shall be redelivered to the proper officer of the said bank, and the said bank, so receiving the same, may thereupon issue its notes

issuable by hanks.

aforesaid, to the full amount of the stock or guaranteed bonds so deposited, and none others whatsoever; and from time to time, upon further deposits of such certificates of debt or guarantees of the state, by said bank, in sums of not less than twenty thousand dollars, the said bank may thereupon in like manner issue notes, countersigned as aforesaid, to the full amount so deposited; but such issues shall not in the aggregate exceed the capital herein provided.

5. This act shall be in force from its passage.

Commencement.

CHAP. 128.—An ACT reducing the capital stock of the Manufacturers Bank of Kanawha.

[Passed April 17, 1852.]

Whereas application has been made to the general assembly to amend Preamble. the second section of an act, entitled "an act to establish banks at Wheeling, Kanawha and Fincastle," passed on the twenty-ninth day of

March eighteen hundred and fifty-one, so as to reduce the minimum capital stock of the Manufacturers Bank of Kanawha: Therefore,

1. Be it enacted by the general assembly, That the second section of the Second section att, entitled "an act to establish banks at Wheeling, Kanawha and Fin-of charter repealed. castle," be and the same is hereby repealed, and the following substituted See Acts 1850-51, p. 52.

2. It may be lawful to establish a bank either at Charleston, Kanawha, Bank, where established. Salines, the capital stock of which shall not be less than tablished. Capital. one hundred thousand dollars, nor more than three hundred thousand dolan, to be raised by subscriptions in shares of one hundred dollars each. Books of subscription for raising the stock aforesaid shall be opened on Books of sub-the first Monday in May next, and remain open till the stock shall be scription, when, subscribed, at Charleston in the county of Kanawha, under the superin-whom opened. tendence of John H. Goshorn, James M. Laidley, James L. Carr, Frederick Brooks, R. C. M. Lovell; and also at Kanawha Salines, under the superintendence of John B. Smith. Joel Shrewsbury, senior, Andrew F. Donally, William Tompkins and Thomas J. Buster.

3. Be it further enacted, That whonever the said bank shall legally State securities

transfer to and deposit with the treasurer of this state, in trust for and to be deposited with state treasurer of the public debt of the with state treasurer. for the purposes of the said bank, certificates of the public debt of the surer. state, or the bonds of any internal improvement company or companies guaranteed by the state, bearing six per centum interest, to the amount of one hundred thousand dollars, the said bank shall be authorized to Bank notes, how deliver notes of any denomination it may select, not under five dollars, authenticated. to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock or guaranteed bonds so deposited, upon

the face of which shall be printed or expressed the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of said treasurer; and such notes, so countersigned, shall be redelivered to the proper officer of said bank; and the said bank so receiving the same may thereupon issue Amount of not its notes aforesaid to the amount of the stock so deposited, and none issuable by bank. others whatsoever; and from time to time, upon further deposits of such cortificates of debt or guaranteed bonds by said bank, in sums of not less than ten thousand dollars, the said bank shall thereupon in like manner issue notes countersigned as aforesaid, to the full amount of the

4. This act shall be in force from its passage.

sum of three hundred thousand dollars.

Commencement.

CHAP. 129.—An ACT to amend the act passed March 29th, 1851, entitled "an act to establish banks at Wheeling, Kanawha and Fincastle."

stock so deposited; but such issues shall not in the aggregate exceed the

[Passed May 12, 1852.]

1. Be it enacted by the general assembly, That the seventh section of Repeal of 7th the act passed the twenty-ninth day of March one thousand eight hun-section of char dred and fifty-one, entitled "an act to establish banks at Wheeling, Ka-See Acts 1850-51, nawha and Fincastle," be re-enacted and amended, so as to read as fol- p. 53.

State securities to be deposited with state treasurer.

authenticated.

lows, to wit: Whenever either of said banks shall legally transfer to and deposit with the treasurer of this state, in trust for and for the purposes of such bank, certificates of the public debt of this state, or the bonds of any improvement company guaranteed by the state, bearing six per cent. interest, to the amount of one hundred and fifty thousand dollars, Bank notes, how such bank shall be authorized to deliver to said treasurer notes of any denomination it may select, not under five dollars, in the usual form of

bank notes intended for circulation, to the full amount of the certificates of debt or bonds so deposited, upon the face of which shall be printed or expressed the words "Secured by the pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of said treasurer; and such notes so countersigned shall be redelivered to the proper officer of such bank, and such bank Amount of notes may thereupon issue such bank notes; and from time to time, upon furissuable by bank. ther deposits of such certificates of debt or guaranteed bonds by such

Cancellation of old and issue of renewed notes.

bank, in sums of not less than ten thousand dollars, such bank may issue bank notes, countersigned as aforesaid, to the full amount of the certificates or bonds so deposited; but such issues shall not in the aggregate exceed the capital herein provided. And the said treasurer shall, upon the application of such bank, receive and cancel any of its notes countersigned as aforesaid that have become mutilated or defaced, and in lieu thereof shall countersign and redeliver other bank notes of like denomination or of equal amount; and such notes shall be numbered and

registered by the said treasurer as "Renewed notes." 2. That the tenth section of said act be re-enacted and amended, so

State securities may be retrans-ferred on cancel. as to read as follows, to wit: The said treasurer may re-transfer the said

paid, amount to be paid to bank or reinvested.

See Acts 1850-51, ceiving and canceling an equal amount of the notes countersigned and redelivered as aforesaid, unless in his opinion the security of the notes When stocks are outstanding should require the same to be retained. Where the principal of any of the certificates of debt or guaranteed bonds so deposited shall be paid to the treasurer, he shall give notice thereof to the bank by which such certificates of debt or bonds were deposited, and may pay the mency so received to such bank, upon the delivery to him of an equal amount of its notes, which he shall cancel as aforesaid; or may invest such money wholly or in part, as he may deem necessary for the

Capital not to be security of such notes, in other such certificates or bonds; but such reduced below its minimum.

treasurer shall not make any such retransfer or payment so as to reduce the capital below the minimum amount hereby required, except upon notice, in the manner hereinafter provided, of the intention of such bank to cease business and to wind up its affairs.

How bank may wind up and obtain its securities.

3. That when the charter granted by the act aforesaid to said banks is about to expire, or whenever either of said banks shall give notice to the said treasurer of its intention to wind up its affairs, and shall actually cease to transact the business of banking, the said treasurer shall retransfor to such bank the certificates of debt or bonds deposited by it as aforesaid, or any part thereof, upon receiving an equal amount of the notes

of such bank countersigned as aforesaid; and if after notice of such in-

tention has been published for eight weeks in some newspaper in the place wherein such bank is situated, and at least two other newspapers of the most general circulation in the state, payment of a portion of such bank notes be not demanded, so that a reasonable presumption may arise that the same has been lost or destroyed, the said treasurer may retransfer the residue of said certificates of debt or bonds to such bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities to be approved of by him, a joint and

several bond payable to the commonwealth of Virginia, in a penalty equal to three times the amount of such outstanding and unredeemed

Bond and security required of stockholders.

have force of

notes, and conditioned to pay the same upon demand at the place of business of such or of either of the obligors therein; which bond shall Bond to be recorded and to be recorded in the manner prescribed in the fourth section of the one hundred and eighty-sixth chapter of the Code of Virginia, and shall have See Code, p. 708. the force of a judgment, and for every breach of the condition thereof,

judgment may be rendered, and execution issued upon ten days' notice, Notes, how rein the name of the commonwealth, for the benefit of the holder of any deemed. such unredeemed notes, for the amount thereof and costs.

4. This act shall be in force from its passage.

Commencement.

CHAP. 130 .- An ACT to incorporate the Bank of Wytheville. [Passed May 11, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to estab-Bank established lish a bank at the town of Wytheville in the county of Wythe, with a at Wytheville. capital stock not less than one hundred thousand dollars nor more than Capital. ave hundred thousand dollars, to be raised by subscriptions in shares of one hundred dollars each. Books of subscriptions for raising the stock Books of subaforesaid shall be opened on the first Monday in July next, at said town scription, when, where and by of Wytheville, under the superintendence of Robert Gibboney, William whom opened. Gibboney, William H. Spiller, Robert Raper, Robert Kent, Joseph F. Kent, P. S. Buckingham, George Stuart, senior, and Andrew S. Fulton, and remain open till the stock shall be subscribed.

2. Any three of the commissioners shall have full power to act, and Rights, powers their powers, rights and duties in relation to said bank shall be in all re- and duties of their powers. spects, as far as applicable, such as are prescribed by the Code of Vir-The said commissioners shall be and they are hereby authorized subscriptions, to receive subscriptions, payable in money or payable in the stocks of how payable. this state: the medium of payment to be expressed at the time of making such subscriptions, and the stock to be transferred to the bank, and the money paid over so soon as the president and directors thereof shall

be elected.

3. It shall be lawful for a majority of the persons named as commis-Other places for sioners at Wytheville to select any additional places for opening books subscriptions. of subscription to the stock of said bank, and appoint commissioners to superintend the same.

4. The said bank at Wytheville shall be called "The Bank of Wythe-Bank of Wytherille;" and by this name and style, the stockholders thereof and their ville incorposuccessors shall be a body politic and corporate, with all the rights, Rights, powers powers and privileges conferred upon banks of this state by chapters and restrictions. fifty-seven and fifty-eight of the Code of Virginia, except the seventh section of chapter fifty-eight; and shall moreover be subject to all the rules, regulations and restrictions imposed by the said fifty-seventh and fifty-eighth chapters, except so far as they are inconsistent with this act; and except farther, that the stockholders shall elect the directors.

5. Whenever the said bank shall legally transfer to and deposit with State securities the treasurer of this state, in trust for and for the purposes of said bank, to be deposited certificates of the public debt of the state, bearing six per cent. interest, with state treasurer. to the amount of one hundred thousand dollars, the said bank at Wytheville shall be authorized to deliver notes of any denomination it may se-Bank notes, how lect, not under five dollars, to the treasurer in the usual form of bank authenticated. notes intended for circulation, to the full amount of the stock so deposited, upon the face of which shall be printed or expressed the words "Secured by pledge of state securities;" and such bank notes shall be

l irectors, how

notes so countersigned shall be redelivered to the proper officer of said bank; and the said bank so receiving the same may thereupon issue its Amount of notes notes aforesaid to the full amount of the stock so deposited, and none issuable by bank. others whatsoever; and from time to time, upon further deposits of such certificates of debt by said bank, in sums of not less than ten thousand dollars, the said bank shall thereupon in like manner issue notes coun-

tersigned as aforesaid to the full amount of the stock so deposited; but such issues shall not in the aggregate exceed the capital herein provided.

countersigned by the said treasurer, and numbered and registered in the books kept for that purpose in the office of said treasurer; and such

6. The treasurer shall, at the time of receiving such certificates of Authority to stock, give to the said bank authority to draw the interest thereon, as draw interest on the same may become due and payable, for the use of said bank, which authority shall continue in force until the said bank shall fail to redeem Interest stopped any of its said issues in specie, in which case the party charged with the on failure to re-

payment of such interest shall be forthwith notified of such failure; and thereafter such interest shall be payable to said treasurer, to be applied. if necessary, to the payment of such notes.

Remedy given note holder for failure to redeem.

Protest and proceedings thereon.

Duty of treasu-

Treasurer authorized to apply trust fund to payment of

State securities may be retransterred on cancel-

Power to sell

ing notes. paid, amount to be paid to bank or reinvested.

Felony for treato reduce their ecurities. Punishment.

how punishable.

Liability of stockholders.

Circulation of notes limited.

Limitation of loans and discounts.

secured.

Expenses paid by bank.

Commencement and duration of charter.

7. In case the said bank shall at any time hereafter, on lawful demand, during its usual time of business, at the place where such notes are payable, fail or refuse to redeem any such note or notes in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for nonpayment in the usual manner; and the treasurer, on receiving and filing such protest. shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied that there is good and legal defence against the pay-

published in the state that all notes issued by the bank aforesaid will be redeemed out of the trust property in his hands deposited as aforesaid. And it shall be lawful for the treasurer, and he is hereby required to apply the said trust property to the payment of such notes, with costs of protest and interest, and to adopt such measures for the payment of all such notes as will in his opinion most effectually prevent loss to the holders thereof; and to this end, he shall have power to sell the same, or so much thereof as shall be necessary, at public auction.

ment of such note or notes) give notice in at least three newspapers

8. The said treasurer may retransfer the said certificates of debt, or any part thereof, upon receiving and canceling an equal amount of the notes issued as aforesaid, unless in his opinion the security of the notes When stocks are outstanding should require the same to be retained. When the principal of any of the certificates of debt so deposited shall be paid to the treasurer, he shall notify the said bank thereof, and may pay the money so received to the said bank, upon the delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same, wholly or in part, as he may deem necessary for the security of such notes, in other such certificates.

9. Should the treasurer countersign notes of the said bank to a greater surer to sign amount than the stock so deposited, or willfully reduce the amount of notes illegally, or such securities in any manner below the amount of the outstanding notes of said bank, he shall, upon conviction, be judged guilty of felony; and he shall be punished by a fine of not less than one thousand nor more than ten thousand dollars, and by imprisonment in the penitentiary house Officers of banks, for not less than three nor more than fifteen years; and any officer or officers of said bank, who shall aid or assist the said treasurer in issuing or countersigning a larger amount of notes than the amount of stock so deposited as aforesaid, shall be adjudged guilty of the like offence, and liable to the same conviction and punishment.

10. Each and every stockholder in said bank shall be liable, ratably, out of his private estate, for the circulation and express contract debts of said bank, to the amount of stock owned by him, upon a failure of the said bank to redeem its notes or pay said debts. The total amount of the paper circulation of the bank hereby incorporated shall never exceed five times the amount of coin in possession and actually the property of said bank. If the coin be reduced to less than one-fifth of its paper circulation, the bank shall thenceforth make no new loans or discounts until its coin shall be to its paper circulation at least the proportion of one Act not valid ill to five: Provided however, That this act shall not take effect, so as to minimum capital authorize the making of loans or discounts, or the transaction of any banking business, until the minimum amount of the capital hereby authorized shall be deposited in state stock as aforesaid, with the treasurer of this commonwealth, as is provided by the fifth section of this act. cost to the state from the provisions of this act shall be paid by said bank.

11. The charter of the said bank shall continue and be in force for twenty years from and after the passage thereof, unless sooner repealed or modified by some future laws.

(HAP. 131.—An ACT incorporating the Bank of Marion in the town of Marion in the county of Smyth.

[Passed June 2, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to Bank established established a bank in the town of Marion in the county of Smyth, the intown of Marion. capital stock of which shall not be less than fifty thousand dollars, nor Capital. more than three hundred thousand dollars, to be raised by subscriptions of one hundred dollars each. Books of subscription shall be opened on Books of subthe first Monday in August next, and remain open until the stock shall scription, when, be subscribed, at Marion in the county of Smyth, under the superintend-whom opened. ence of Richard W. Jones, James W. Sheffey, James F. Pendleton, Madison S. Crockett, Edward S. Watson, William B. Morgan, John

W. Schoolfield, Edward A. Scott and John H. Townsend. 2. Any three of the commissioners aforesaid shall have full power Rights, powers to act; and their rights, powers and duties in relation to the said bank and duties of commissioners. shall be in all respects, as far as practicable, such as are prescribed by the Code of Virginia. The said commissioners shall be and they are subscriptions, hereby authorized to receive subscriptions, payable partly in money and how payable. partly in the stocks of the state: the medium of payment to be expressed

at the time of making such subscriptions, and the stock to be transferred

to the bank, and money paid over as soon as the president and directors thereof shall be elected. 3. It shall be lawful for a majority of the persons named as commis-Other places sioners at Marion to select any additional places for opening books of for subscriptions.

subscription to the stock of the said bank, and to appoint commissioners to superintend the same.

4. The said bank at Marion shall be called "The Bank of Marion;" Bank of Marion and by this name and style, the stockholders thereof shall be a body incorporated. politic and corporate, with all the rights, powers and privileges conferred Rights, powers npon the banks of this state by chapters fifty-seven and fifty-eight, and restrictions. except the seventh section of the fifty-eighth chapter of the Code of Virginia; and shall be subject to all the rules, regulations, restrictions and provisions imposed by the chapters of the Code aforesaid, except so far as they are inconsistent with this act; and except further, that the Directors, how stockholders shall appoint or elect the directors.

5. Whenever the said bank shall legally transfer to and deposit with State securities the treasurer of the state, in trust for and for the purposes of said bank, to be deposited with state treasurer. certificates of the public debt of the state to the amount of one hundred surer. thousand dollars, the said Bank of Marion shall be authorized to deliver Bank notes, how notes of any denomination it may select, not under five dollars, to the authenticated. treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposited, upon the face of which shall he written or expressed the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of the said treasurer. And such notes so countersigned shall be redelivered to the proper officer of said bank; and the said Amount of notes bank so receiving the same may thereupon issue its notes aforesaid to issuable by bank. the full amount of the stock so deposited, and none others whatsoever. And from time to time, upon further deposits of such certificates of debt of the state by said bank in sums of not less than ten thousand dollars, the said bank may thereupon in like manner issue notes, coun-

shall not in the aggregate exceed the capital herein provided. 6. The treasurer shall, at the time of receiving such certificates of Authority to stock, give to the said bank authority to draw the interest thereon as draw interest on securities. the same may become due and payable, for the use of said bank, which Interest stopped authority shall continue in force until the said bank shall fail to redeem on failure to reany of its issues in specie; in which case the party charged with the payment of said interest shall be forthwith notified of such failure, and thereafter such interest shall be payable to said treasurer, to be applied,

tersigned as aforesaid, to the full amount so deposited; but such issues

if necessary, to the payment of such notes. 7. In case the said bank shall at any time hereafter, on lawful demand, Remedy given during its usual hours of business, at the place where such notes are pay-note holder for failure to redeem.

Duty of trea-

able, fail or refuse to redeem any such note or notes in the lawful money Protest and pro- of the United States, the holder of such note or notes making such deceedings thereon. mand may cause the same to be protested for nonpayment in the usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published

Treasurer autho-said. rized to apply trust fund to payment of notes.

Power to sell

fund. State securities may be retrans-ferred in cancel-

paid, amount to be paid to bank or reinvested.

Felony for treasurer to sign notes illegally or to reduce their ecurities. Punishment.

how punishable.

Liability of stockholders.

Circulation of notes limited.

Limitation of loans and discounts.

Act not valid until minimum capital secured.

Expenses paid by bank.

Commencement and duration of charter.

in the state, that all the notes issued by the said bank as aforesaid will be redeemed out of the trust property in his hands deposited as afore-And it shall be lawful for the treasurer and he is hereby required to apply the said trust property to the payment of such notes, with costs of protest and interest, and to adopt such measures for the payment of all such notes as will in his opinion most effectually prevent loss to the holder thereof; and to this end, he shall have power to sell the same, or so much thereof as shall be necessary, at public auction.

8. The said treasurer may retransfer the said certificates of debt, or any part thereof, upon receiving and canceling an equal amount of the notes issued as aforesaid, unless in his opinion the security of the notes when stocks are outstanding should require the same to be retained. When the principal of any of the certificates of debt so deposited shall be paid to the treasurer, he shall notify the said bank thereof, and may pay the money so received to said bank, upon the delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same, wholly or in part, as he may deem necessary for the security of said notes, in other such certificates of debt.

amount than the stock so deposited, or willfully reduce the amount of such securities in any manner below the amount of the outstanding notes of said bank, he shall, upon conviction, be adjudged guilty of a felony, and shall be punished by a fine of not less than one thousand nor more than ten thousand dollars, and by imprisonment in the peni-Officers of bank, tentiary house for not less than three nor more than fifteen years. any officer or officers of the said bank, who shall aid or assist the said treasurer in issuing or countersigning a larger amount of notes than the amount of stock so deposited as aforesaid, shall be adjudged guilty of the like offence, and liable to the same conviction and punishment.

9. Should the treasurer countersign notes of the said bank to a greater

10. Each and every stockholder in said bank shall be liable, ratably, out of his private estate, for the circulation and the express contract debts of said bank to the amount of stock owned by him, upon a failure of said bank to redeem its notes or pay said debts. The total amount of the paper circulation of the bank hereby incorporated shall never exceed five times the amount of coin in possession and actually the property of the bank. If the coin be reduced to less than one-fifth of its paper circulation, the bank shall thenceforth make no new loan or discount until its coin shall be to its paper circulation at least the proportion of one to five: Provided however, That this act shall not take effect, so as to authorize the said bank to make loans or discounts, or transact any other banking business, until the minimum amount of the capital hereby authorized shall be deposited in state stocks as aforesaid with the treasurer of this commonwealth, as is provided by the fifth section of this act. The costs to the state, arising from the provisions of this act, shall be paid by said bank.

11. The charter of the said bank shall continue and be in force from and after the passing thereof, unless sooner repealed or modified by some future laws.

CHAP. 132.—An ACT to incorporate the Merchants and Farmers Bank of Clarksburg.

[Passed May 13, 1852.]

Bank established t Clarkeburg. Capital.

1. Be it enacted by the general assembly, That it shall be lawful to establish a bank in the town of Clarksburg in the county of Harrison, the capital stock of which shall not be less than fifty thousand dollars nor

more than three hundred thousand dollars, to be raised by subscription in shares of one hundred dollars each. Books of subscription for rais-Books for subing the stock aforesaid shall be opened on the first Monday in July next, scriptions, when, where and by and remain open till the stock shall be subscribed, at Clarksburg in the whom opened. county of Harrison, under the superintendence of William Johnson, Waldo P. Goff, Burton Despard, Lloyd Lowndes, Cyrus Vance, Aaron

Criss, Abia Minor and Byron I. Bassel.

2. Any three of the commissioners shall have power to act, and their Rights, powers powers, rights and duties in relation to said bank shall be in all respects commissioners. such as are prescribed by the Code of Virginia. The said commissioners Subscriptions, shall be and they are hereby authorized to receive subscriptions, payable how payable. in money or payable in the stocks of this state or the bonds of any improvement company or companies guaranteed by the state; the medium of payment to be expressed at the time of making such subscriptions, and the stock or guaranteed bonds to be transferred to the bank, and the money paid over so soon as the president and directors thereof shall

3. It shall be lawful for a majority of the persons named as commis-Other places for sioners at Clarksburg to select any additional places for opening books subscriptions. of subscription to the stock of said bank, and appoint commissioners to

superintend the same.

be elected.

4. The said bank at Clarksburg shall be called "The Merchants and Merchants and Farmers Bank of Clarksburg;" and by this name and style, the stock-Clarksburg inholders thereof and their successors shall be a body politic and corpo-corporated. rate, with all the rights, powers and privileges conferred upon banks of Rights, powers this state by chapters fifty-seven and fifty-eight of the Code of Virginia, and restrictions. except the seventh section of chapter fifty-eight; and shall, moreover, be subject to all the rules, regulations and restrictions imposed by the mid chapters, except so far as they are inconsistent with this act; and Directors, how except farther, that the stockholders shall elect the directors.

5. Whenever the said bank shall legally transfer to and deposit with State securities the treasurer of this state, in trust for and for the purposes of said bank, to be deposited with state treacertificates of the public debt of the state or the bonds of any improve-surer. ment company or companies guaranteed by the state, bearing six per cent. interest, to the amount of fifty thousand dollars, the said bank at Bank notes, how Clarksburg shall be authorized to deliver notes of any denomination it authenticated. may select, not under five dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock or granteed bonds so deposited, upon the face of which shall be printed or expressed the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by said treasurer, and numbered and registered in the books kept for that purpose in the office of said treasurer; and such notes, so countersigned, shall be redelivered to the proper officer of said bank; and the said bank so receiving the same may thereupon issue Amount of notes its notes aforesaid to the full amount of the stock or guaranteed bonds is enable by bank. so deposited, and none others whatsoever; and from time to time, upon further deposits of such certificates of debt or guaranteed bonds by said bank, in sums of not less than ten thousand dollars, the said bank shall thereupon in like manner issue notes countersigned as aforesaid to the full amount so deposited; but such issues shall not in the aggregate excoed the capital herein provided.

6. The treasurer shall, at the time of receiving such certificates of Authority to stock or guaranteed bonds, give to the said bank authority to draw the draw interest on interest thereon, as the same may become due and payable, for the use of said bank; which authority shall continue in force until the said bank Interest stopped shall fail to redeem any of its said issues in specie, in which case the on failure to reparty charged with the payment of such interest shall be forthwith notified of such failure; and thereafter such interest shall be payable to said treasurer, to be applied, if necessary, to the payment of such notes.

7. In case the said bank shall at any time hereafter, on lawful demand, Remedy given during its usual hours of business, at the place where such notes are payanote holder on ble, fail or refuse to redeem any such note or notes in the lawful money of the United States, the holder of such note or notes making such de- Protest and promand may cause the same to be protested for nonpayment in the usual ceedings thereon.

Duty of trea-

test, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they omit so to do for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied that there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published in the state, that all the notes issued by the bank aforesaid will be redeemed out of the trust property in his hands deposited as aforesaid. Treasurer autho- And it shall be lawful for the treasurer and he is hereby required to apply the said trust property to the payment of such notes, with cost of payment of notes. protest and interest, and to adopt such measures for the payment of all such notes as will in his opinion most effectually prevent loss to the holders thereof; and to this end, he shall have power to sell the same, or so much thereof as shall be necessary, at public auction.

rized to apply trust fund to

Power to sell fund.

State securities ing notes.

paid, amount to be paid to bank or reinvested.

8. The said treasurer may retransfer the said certificates of debt or may be retrans-ferred on cancel guaranteed bonds, or any part thereof, upon receiving and canceling an equal amount of the notes issued as aforesaid, unless in his opinion the security of the notes outstanding should require the same to be retained. When stocks are When the principal of any of the certificates of debt or guaranteed bonds so deposited shall be paid to the treasurer, he shall notify the said bank thereof, and may pay the money so received to said bank, upon the delivery to him of an equal amount of the circulation of said bank, which he shall cancel as aforesaid, or may invest the same, wholly or in part, as he may deem necessary for the security of such notes, in other such certificates or bonds.

Felony for treareduce their securities. Punishment.

how punishable.

Liability of stockholders.

Circulation of notes limited.

Limitation on toans and discounts.

Act not valid until minimum capital secured.

Expenses paid by bank.

Commencement and duration of charter.

Should the treasurer countersign notes of the said bank to a greater surer to sign notes illegally or amount than the stock or guaranteed bonds so deposited, or willfully reduce the amount of such securities in any manner below the amount of the outstanding notes of the said bank, he shall, upon conviction, be judged guilty of felony, and he shall be punished by a fine of not less than one thousand nor more than ten thousand dollars, and by imprisonment in the penitentiary house for not less than three nor more than officers of bank, fifteen years; and any officer or officers of the said bank, who shall aid or assist the treasurer in issuing or countersigning a larger amount of notes than the amount of stock or guaranteed bonds so deposited as aforesaid, shall be adjudged guilty of the like offence, and liable to the same conviction and punishment.

10. Each and every stockholder in said bank shall be liable, ratably, out of his private estate, for the circulation and the express contract debts of said bank, to the amount of stock owned by him, upon a failure of the said bank to redeem its notes or pay said debts. The total amount of the paper circulation of the bank hereby incorporated shall never exceed five times the amount of coin in pessession and actually the property of the bank. If the coin be reduced to less than one-fifth of its paper circulation, the bank shall thenceforth make no new loans or discounts until its coin shall be to its paper circulation at least the proportion of one to five: Provided however, That this act shall not take effect, so as to authorize the making of loans or discounts or the transaction of any banking business, until the minimum amount of the capital hereby authorized shall be deposited, in state stocks or guaranteed bonds as aforesaid, with the treasurer of this commonwealth, as is provided by the fifth section of this act. The costs to the state, arising from the provisions of this act, shall be paid by the said bank.

11. The charter of the said bank shall continue and be in force for twenty years from and after the passage thereof, unless sooner repealed or modified by some future laws.

CHAP. 133.—An ACT to incorporate the Farmers Bank of Culpeper. [Passed May 7, 1852.]

Bank established at town of Fairfax. Capital.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to establish a bank at the town of Fairfax in the county of Culpeper, the capital stock of which shall not be less than fifty thousand dollars nor more than three hundred thousand dollars, to be raised by

subscriptions of fifty dollars each. Books of subscription for raising the Books for substock aforesaid shall be opened on the first Monday in June next, and scription, when, remain open until the stock shall be subscribed, at Fairfax in the county where and by of Culpeper, under the superintendence of Thomas Hill, Francis J. Thompson, Ambrose P. Hill, Thomas S. Alcocke, Winfield S. Coons. John C. Greene, Armistead Brown, Lewis P. Nelson, John S. Barbour, janior, Carter B. Cropp, James G. Field, Alexander Lawrence, Fayette Manzy and Edward A. Freeman.

2. Any three of the commissioners aforesaid shall have full power to Rights, powers act, and their rights, powers and duties in relation to the said bank and duties of commissioners. shall be in all respects, as far as applicable, such as are prescribed by the Code of Virginia. The said commissioners shall be and they are Subscriptions, hereby authorized to receive subscriptions, payable partly in money and how payable. partly in the stocks of this state: the medium of payment to be expressed at the time of making such subscriptions, and the stock to be transferred to the bank as soon as the president and directors shall be elected.

3. It shall be lawful for a majority of the persons named as commis- Other places for sioners at Fairfax to select any additional places for opening books of subscriptions. subscription to the stock of said bank, and to appoint commissioners to attend the same.

4. The bank at Fairfax shall be called "The Farmers Bank of Culpe- Farmers Bank of per;" and by this name and style, the stockholders thereof and their Culpeper incor-successors shall be a body politic and corporate, with all the rights, Rights, powers powers and privileges conferred upon banks of this state by chapters and restrictions. fity-seven and fifty-eight of the Code of Virginia, except the seventh section of chapter fifty-eight; and shall, moreover, be subject to all the rules, regulations and restrictions imposed by the said fifty-seventh and fifty-eighth chapters, except so far as they are inconsistent with this act; and except further, that the stockholders shall appoint or elect the di-Directors, how rectors.

5. Whenever the said bank shall legally transfer to and deposit with State securities the treasurer of this state, in trust for and for the purposes of said bank, to be deposited with state trea-

cartificates of the public debt of the state, (or the bonds of any improve-surer.

ment company or companies guaranteed by the state,) bearing six per
cent. interest, to the amount of fifty thousand dollars, the said Culpeper Bank notes, how bank shall be authorized to deliver notes of any denomination it may authorized.

select, (not under five dollars,) to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposized, upon the face of which shall be printed or expressed the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of the said treasurer. And such notes so countersigned shall be redelivered to Amount of notes the proper officer of said bank; and the said bank so receiving the same issuable by bank. may thereupon issue its notes aforesaid to the full amount of the stock or guaranteed bonds so deposited, and none others whatsoever. from time to time, upon further deposits of such certificates of debt or guarantees of the state by said bank, in sums of not less than ten thou-

sand dollars, the said bank shall thereupon in like manner issue notes, countersigned as aforesaid, to the full amount so deposited; but such issues shall not in the aggregate exceed the capital herein provided. And Cancellation of the said treasurer shall, upon the application of such bank, receive and old and issue of cancel any of its notes countersigned as aforesaid, that have become renewed notes. mutilated or defaced, and in lieu thereof shall countersign and redeliver other bank notes of like denomination or of equal amount; and such

notes shall be numbered and registered by the said treasurer as "Re-

newed notes." 6. The treasurer shall, at the time of receiving such certificates of Authority to stock or guaranteed bonds, give the said bank authority to draw the in- draw interterest thereon, as the same may become due and payable, for the use of state securities. said bank; which authority shall continue in force until the said bank shall fail to redeem any of its said issues in specie; in which case, the Interest stopped party charged with payment of said interest shall be forthwith notified on failure to re-

of such failure, and thereafter such interest shall be payable to said treasurer, to be applied, if necessary, to the payment of such notes. 7. In case the said bank shall at any time hereafter, on lawful de-

mand, during its usual hours of business, at the place where such notes

are payable, fail or refuse to redeem any such note or notes in the lawful money of the United States, the holder of such note or notes making

Remedy given note holder for failure to redeem

Protest and proceeding thereon.

Duty of treaserer.

such demand may cause the same to be protested for nonpayment in the usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon (unless he shall be satisfied there is good and legal defence against the payment of such note or notes) give notice in at least three newspapers published in the state, that all the notes issued by the said bank will be redeemed out of the trust property in his hands deposited Treasurer autho as aforesaid. And it shall be lawful for the treasurer and he is hereby rised to apply trust jund to required to apply the said trust property to the payment of such notes, payment of notes. with costs of protest and interest, and to adopt such measures for the payment of all such notes as will, in his opinion, most effectually prevent loss to the holders thereof; and to this end, he shall have power to sell the same or so much thereof as shall be necessary, at public auction.

Power to sell State securities

may be retranspaid, amount to or reinvested.

8. The said treasurer may retransfer the said certificates of debt or may be retrained bonds, or any part thereof, upon receiving and canceling an equal ing motion. amount of the notes issued as aforesaid, unless in his opinion the security When stocks are of the notes outstanding should require the same to be retained. When the principal of any of the certificates of debt or bonds so deposited shall be paid to the treasurer, he shall notify the said bank thereof, and may pay the money so received to the said bank, upon the delivery to him of an equal amount of the circulation of the said bank, which he shall cancel as aforesaid, or may invest the same wholly or in part, as he may deem necessary for the security of said notes, in other such certificates or bonds.

Pelony for trea-Punishment.

9. Should the treasurer countersign notes of the said bank to a surer to sign notes the tradition of the surer to sign notes of the surer to sign notes illegally or greater amount than the stock or guaranteed bonds so deposited, or notes illegally or willfully reduce the amount of such securities in any manner below the amount of the outstanding notes of said bank, he shall, upon conviction, be adjudged guilty of a felony, and shall be punished by fine of not less than one thousand nor more than ten thousand dollars, and by imprisonment in the penitentiary house for not less than three nor more than Officers of bank, fifteen years. And any officer or officers of said bank, who shall aid or assist the said treasurer in issuing or countersigning a larger amount of notes than the amount of stock or guaranteed bonds so deposited as aforesaid, shall be adjudged guilty of the like offence, and liable to the same conviction and punishment.

how punishable.

Liability of stockholders.

Circulation of

notes limited.

Limitation of loans and dis-

Act not in force entil minimum capital secured.

Expenses paid by bank.

Commencement and duration of charter.

10. Each and every stockholder in said bank shall be liable, ratably, out of his private estate, for the circulation and the express contract debts of said bank, to the amount of the stock owned by him, upon a failure of the said bank to redeem its notes or pay said debts. total amount of the paper circulation of the bank hereby incorporated shall never exceed five times the amount of coin in possession and actually the property of the bank. If the coin be reduced to less than one-fifth of its paper circulation, the bank shall thenceforth make no new loan or discount, until its coin shall be to its paper circulation at least the proportion of one to five: Provided however, That this act shall not take effect so as to authorize the making of loans or discounts, or the transaction of any banking business, until the minimum amount of the capital hereby authorized shall be deposited in state stocks or guaranteed bonds as aforesaid, with the treasurer of this commonwealth, as is provided by the fifth section of this act. The costs to the state, arising from the provisions of this act, shall be paid by the said bank.

11. The charter of said bank shall continue and be in force for twenty years from and after the passage thereof, unless sooner repealed or modified by some future laws.

CHAP. 134.—An ACT incorporating the Farmers Bank at Fincastle.

[Passed May 3, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to es-Bank established tablish a bank at the town of Fincastle in the county of Botetourt, the at Fincastle. capital stock of which shall not be less than fifty thousand dollars, nor post, c. 135. more than three hundred thousand dellars, to be raised by subscriptions Capital. of fifty dollars each. Books of subscription for raising the stock afore-Books for subsaid shall be opened on the first Monday of May next, and remain open scriptions, when, until the stock shall be subscribed, at Fincastle in the county of Bote-whom opened. tourt, under the superintendence of James McDowell, James S. Walrond, Francis T. Anderson, James M. Carper, Lewis Brugh, George W. Carper, William E. M. Word, Fletcher H. Mayse, John M. Price, Henry W. Bowyer, Walter Francis, William M. Carper, Ferdinand Woltz, Thomas G. Godwin, James B. Wilson, Benjamin Carper, John Gray,

Jacob Fleager and Samuel M. Carper. 2. Any three of the commissioners aforesaid shall have full power to Rights, powers act, and their rights, powers and duties in relation to the said bank shall and duties of be in all respects, as far as applicable, such as are prescribed by the Code commissioners. The said commissioners shall be and they are hereby au-subscriptions, thorized to receive subscriptions, payable partly in money and partly in how payable. the stocks of this state; the medium of payment to be expressed at the time of making such subscriptions, and the stock to be transferred to the bank so soon as the president and directors shall be elected.

3. It shall be lawful for a majority of the persons named as commis-Other places for sioners at Fincastle to select any additional places for opening books of subscriptions. subscriptions to the stock of said bank, and to appoint commissioners to

attend the same.

4. The bank at Fincastle shall be called "The Farmers Bank of Fin-Farmers Bank of castle;" and by this name and style, the stockholders thereof and their Fincastle incorsuccessors shall be a body politic and corporate, with all the rights, pow-Rights, powers ers and privileges conferred upon banks of this state by chapters fifty-and restrictions. seven and fifty-eight of the Code of Virginia, except the seventh section of chapter fifty-eight, and shall, moreover, be subject to all the rules, regulations and restrictions imposed by the said fifty-seventh and fiftyeighth chapters, except so far as they are inconsistent with this act; and Directors how except further, that the stockholders shall appoint or elect the directors. appointed.

5. Whenever the said bank shall legally transfer to and deposit with State securities the treasurer of this state, in trust for and for the purposes of said bank, to be deposited certificates of the public debt of the state, (or the bonds of any improve-surer. ment company or companies guaranteed by the state,) bearing six per cest. interest, to the amount of fifty thousand dollars, the said Fincastle Bank notes, how bank shall be authorized to deliver notes of any denomination it may authenticated. select, (not under five dollars,) to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposited, upon the face of which shall be printed or expressed the words "Secured by pledge of state securities;" and such bank notes shall be countersigned by the said treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of the said treasurer; and such notes so countersigned shall be redelivered to Amount of notes the proper officer of said bank; and the said bank so receiving the same issuable by bank.

may thereupon issue its notes aforesaid to the full amount of the stock or guaranteed bonds so deposited, and none others whatsoever; and from time to time, upon further deposits of such certificates of debt or guarantees of the state by said bank in sums of not less than five thousand dollars, the said bank shall thereupon in like manner issue notes, countersigned as aforesaid, to the full amount so deposited; but such issuce shall not in the aggregate exceed the capital herein provided.

6. The treasurer shall, at the time of receiving such certificates of Authority to stock or guaranteed bonds, give the said bank authority to draw the in- draw interest on terest thereon, as the same may become due and payable, for the use of said bank; which authority shall continue in force until the said bank shall fail to redeem any of its said issues in specie; in which case, the Interest stopped perty charged with payment of said interest shall be forthwith notified on failure to redeem notes.

of such failure, and thereafter such interest shall be payable to said treasurer, to be applied, if necessary, to the payment of such notes.

Remedy given

Duty of trea SUPER.

Tressurer authorized to apply trust fund to payment of notes.

Power to sell tund.

State securities may be retransferred on canceling notes.

When stocks paid, emount to be paid to bank or reinvested.

Felony for treareduce their securities Punishment.

how punishable.

Liability of stockholders.

Circulation of notes limited.

Limitation of loans and discounts.

Act not in force until minimum capital secured.

Expenses paid by bank.

Duration of charter.

7. In case the said bank shall at any time hereafter, on lawful denote holder for failure to redeem. mand, during its usual hours of business, at the place where such notes Protest and pro- money of the United States, the holder of such note or notes making ceedings thereon. such demand may cause the same to be protested for nonpayment in the

are payable, fail or refuse to redeem any such note or notes in the lawful usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing to the president or cashier of said bank to pay the same; and if he or they shall omit to do so for ten days after such notice, the treasurer shall immediately thereupon, (unless he shall be satisfied there is good and legal defence against the payment of such note or notes,) give notice in at least three newspapers published in the state, that all the notes issued by the said bank as aforesaid will be redeemed out of the trust property in his hands depo-sited as aforesaid. And it shall be lawful for the treasurer and he is sited as aforesaid. hereby required to apply the said trust property to the payment of such notes, with costs of protest and interest, and to adopt such measures for the payment of all such notes as will in his opinion most effectually prevent loss to the holders thereof; and to this end, he shall have power to sell the same, or so much thereof as shall be necessary, at public auction.

8. The said treasurer may retransfer the said certificates of debt or bonds, or any part thereof, upon receiving and canceling an equal amount of the notes issued as aforesaid, unless in his opinion the security of the notes outstanding should require the same to be retained. When the principal of any of the certificates of debt or bonds so deposited shall be paid to the treasurer, he shall notify the said bank thereof, and may pay the money so received to the said bank, upon the delivery to him of an equal amount of the circulation of the said bank, which he shall cancel as aforesaid, or may invest the same wholly or in part, as he may deem necessary for the security of said notes, in other such

certificates or bonds.

9. Should the treasurer countersign notes of the said bank to a surer to sign notes illegally, or greater amount than the stock or guaranteed bonds so deposited, or willfully reduce the amount of such securities in any manner below the amount of the outstanding notes of said bank, he shall upon conviction be adjudged guilty of a felony, and shall be punished by fine of not less than one thousand nor more than ten thousand dollars, and by imprisonment in the penitentiary house for not less than three nor more Officers of bank, than fifteen years. And any officer or officers of said bank, who shall aid or assist the said treasurer in issuing or countersigning a larger amount of notes than the amount of stock or guaranteed bonds so deposited as aforesaid, shall be adjudged guilty of the like offence, and liable to the same conviction and punishment.

10. Each and every stockholder in said bank shall be liable, ratably. out of his private estate, for the circulation and the express contract debts of said bank to the amount of the stock owned by him, upon a failure of said bank to redeem its notes or pay said debts. The total amount of the paper circulation of the bank hereby incorporated shall never exceed five times the amount of coin in possession and actually the property of the bank. If the coin be reduced to less than one-fifth of its paper circulation, the bank shall thenceforth make no new loan or discount until its coin shall be to its paper circulation at least the proportion of one to five: Provided however, That this act shall not take effect. so as to authorize the making of loans or discounts or the transaction of any banking business, until the minimum amount of the capital hereby authorized shall be deposited in state stocks or guaranteed bonds as aforesaid with the treasurer of this commonwealth, as is provided by

The costs to the state arising from the prothe fifth section of this act. visions of this act shall be paid by the said bank.

11. The charter of the said bank shall continue and be in force for twenty years from and after the passage thereof, unless sooner repealed or modified by future laws.

Commencement. 12. This act shall be in force from the passage thereof. CHAP. 135 .- An ACT amending the first section of an act, entitled "an act incorporating the Farmers Bank at Fincastle."

[Passed May 11, 1852.]

1. Be it enacted by the general assembly, That the first section of an Bank at Fincasact, entitled "an act incorporating the Farmers Bank at Fincastle," the established. passed on the third day of May eighteen hundred and fifty two, be reenacted and amended, so as to read: Be it enacted by the general assembly, That it shall be lawful to establish a bank at the town of Fincastle in the county of Botetourt, the capital stock of which shall not be less than Capital. fifty thousand dollars nor more than three hundred thousand dollars, to be raised by subscriptions of fifty dollars each. Books of subscription Books for subfer raising the stock aforesaid shall be opened on the first Monday in July scription, when next, and remain open until the stock shall be subscribed, at the town of whom opened. Fincastle in the county of Botetourt, under the superintendence of James McDowell, James S. Walrond, Francis T. Anderson, James M. Carper, Lewis Brugh, George W. Carper, William E. M. Word, Fletcher H. Mayse, John M. Price, Henry W. Bowyer, Walter Francis, William M. Carper, Ferdinand Woltz, Thomas G. Godwin, James B. Wilson, Benjamin Carper, John Gray, Jacob Fleager and Samuel M.

2. This act shall be in force from its passage.

Commencement

CHAP. 136.—An ACT concerning the annual meeting of school commissioners, and concerning superintendents of schools.

[Passed June 3, 1852.]

Be it enacted by the general assembly, That the fifth section of the When and where eighty-first chapter of the Code of Virginia be amended and re-enacted, school commisso as to read as follows, viz: The said board shall meet annually at the and elect supercourthouse of their county or corporation, on the first day of the court intendent.

next after their appointment, or on such other day in the month of No
See Code, p. 371. vember as said board may agree upon, of which at least ten days' pub- Notice of meetlic notice shall be given, and elect a superintendent of schools for such ing to be given. county or corporation, who shall also be clerk and treasurer of the board. His term of office shall commence on the first day of January thereafter, and continue one year. If the person so elected refuse to serve, or fail to give the bond required by law, or should the office become vacant from any other cause, the board shall, as soon thereafter as may be, elect another superintendent.

CHAP. 137.—An ACT changing the mode of appointing inspectors of tobacco. [Passed May 31, 1852.]

1. Be it enacted by the general assembly, That the twelfth and eigh- Part of 87th teenth sections of chapter eighty-seven, title twenty-six of the Code of chapter of Code Virginia be and the same are hereby repealed; and that sections nine, amended. ten, eleven, thirteen and fourteen of said chapter and title be so amended See Code, p. 402, respectively as to make them read as follows, viz: The governor shall 403, 404. Inspectors of annually, in August or September, appoint for every warehouse in this tobacco, how commonwealth for the inspection and storage of unmanufactured crop appointed and tobacco, whether stemmed or unstammed two persons as inspectors to tobacco, whether stemmed or unstemmed, two persons as inspectors, to be designated as first and second inspector; and shall appoint a third person to be an additional inspector; and may appoint a fourth as se-Their term of cond additional inspector, whose terms of service shall commence on the office, when to first day of January next succeeding such appointment.

2. In case of vacancy in the office of inspector, the governor shall ap-Vacancies, how filled. point one for the residue of the year.

3. The term of office of such inspectors shall be one year, but he may Term of office, continue to act until his successor is qualified. No inspector shall be re-how long. appointed until he shall have obtained his quietus from the treasury.

4. The court of any county or corporation wherein there is a ware-Bonds of inspechouse shall take a bond from every person appointed inspector of such tors. warehouse. Such bond shall, if the warehouse belong to the state, be in the penalty of ten thousand dollars, and in any other case four thousand

anditor. Penalty for failure Commissioners to examine warehouses. Code, p. 412.

Clerk of court to dollars. Within thirty days after the execution of any such bond, the transmit bond to clerk of the court in which it is given shall transmit a copy to the first If he fail to do so, he shall forfeit one hundred dollars. auditor.

5. Section seventy-two of the said chapter shall be so amended as to read as follows, viz: The court of any county or corporation in which a warehouse is established shall annually appoint one or more commissioners, who shall visit such warehouse once in every two months, and report to the said court its condition, the quantity of tobacco it is capable of containing, and what repairs, if any, are required, and shall, once in twelve months, in June or July, make a similar report to the governor.

Neglect of duty by inspectors reported.

6. Section seventy-four of said chapter shall be so amended as to read as follows: The said commissioners shall examine into the manner in reported. Code, p. 412, 413, which the inspectors perform their duty, and shall report to the governor and to the said court any neglect or breach of duty on the part of any inspector which may come to their knowledge.

Commencement.

7. This act shall be in force from its passage.

CHAP. 138.—An ACT concerning the inspection of flour and other commodities. [Passed April 29, 1852.]

Commodities condemned, refused or defective, how marked, &c. Code, p. 419.

1. Be it enacted by the general assembly, That the thirty-first section of chapter eighty-eight be amended and re-enacted, so as to read as follows, viz: If any inspector of any commodity offered to him for inspection shall judge the same to be unmerchantable and unfit to pass, or not packed as required, he shall brand each such barrel, box, bag or cask, tub, firkin or keg, so deemed unfit to pass, with the word "Condemned;" and if he judge such commodity merchantable and in good condition, except that the barrel is under the size required, he shall brand on such barrel the word "Undersize," and at the same time brand thereon the true quality of the said commodity; and in the case of lumber or salt inspected in bulk, shall refuse the certificate required when the article is passed; and in the case of hemp, shall annex to each bale a label, stamped with the word "Condemned." But such inspector shall, if required by But such inspector shall, if required by the owner of such commodity, secure the same for a further examination. If no such examination, as hereinafter provided, be had within twenty days, or on such review the inspector's judgment be confirmed, he shall brand the same, if not previously done, according to his judgment. 2. This act shall be in force from its passage.

Lumber or salt or hemp, what required.

Provision for branding in case of review.

Commencement.

CHAP. 139.—An ACT to exempt millers of manufacturing flour mills from grinding corn or other grain except wheat.

[Passed April 23, 1852.]

Flour mills not

When may be compelled to grind other grain. Penalty for re-

fnasl

1. Be it enacted by the general assembly, That the proprietor of any required to grind mill which is adapted to and used for the exclusive purpose of manufac-grain other than turing flour, shall not be required to grind upon toll corn or any other grain except wheat, nor to grind upon toll any wheat which is in a rotten or damaged state: Provided, That the court of the county or corporation in which such mill, used exclusively for manufacturing flour, is situate, may, for good cause shewn, require the proprietor of such mill to grind upon toll grain other than wheat; and for every violation of the order of such court, the proprietor of such mill shall forfeit to the party injured five dollars.

> CHAP. 140.-An ACT to amend the 1st section of chapter 101 of the Code of Virginia concerning the killing of deer.

> > [Passed May 27, 1852.]

Killing deer at certain periods

1. Be it enacted by the general assembly, That the first section of chapter one hundred and one of the Code of Virginia be re-enacted and prohibited.

See Code, p. 450, amended, so as to read as follows: If any person shall in any year after the first day of January and before the first day of August, in the counties of Mason and Jackson, or in any county east of the Alleghany and west of the Blue Ridge of mountains, or after the first day of February and before the first day of September, in any county east of the Blue Ridge, kill a deer, or be in possession of any so killed, (the same not being his own, tamed or enclosed in a park,) he shall for every such deer forfeit five dollars.

2. This act shall be in force from its passage.

Commencement

CHAP. 141.—An ACT to amend the 13th section of chapter 101 of the Code of Virginia.

[Passed May 31, 1852.]

1. Be it enacted by the general assembly, That the thirteenth acction of With what inchapter one hundred and one of the Code of Virginia be re-enacted and strument oysters amended, so as to read as follows: If any person, except as is herein- must be take after provided, shall take oysters with any other instrument than common oyster tongs, with a bar or head not exceeding twenty-three inches in length, he shall forfeit one hundred dollars. It shall be lawful for any How, by whom citizen of this state to take oysters with any other instrument than com- and when oysters mon oyster tongs in the waters of Tangier and Pocomoke sounds, or waters of Accoany of the waters adjacent thereto, in the county of Accomack; but this mack. privilege shall not extend to the taking of oysters as aforesaid within the mouth of any river or creek in said county, or to the taking of the same in any waters of a less depth than twenty feet; nor to the taking of the same at any time after the tenth day of May and before the first day of September. Any citizen of this state may take oysters as aforesaid, upon License, how obtaining from the clerk of the county court of said county a license for obtained annuso doing for the space of one year, and paying therefor the sum of one Fee therefor. dollar as a fee to said clerk; which said license shall be renewed, and which said fee shall be paid yearly; and such citizen shall, before obtain-Bond and secuing such license, enter into bond with sufficient security, to be approved rity required. of by said clerk, payable to the commonwealth of Virginia, in the penalty of five hundred dollars, conditioned that he shall not be concerned nor interested with any citizen or citizens of any other state in taking or planting oysters within the waters of this state, and that he shall not, within the limits of said county, violate this act, or any law of this state in respect to the taking or planting of oysters; and that he will endeavor to prevent all violations of this act by citizens of other states, by arresting and taking them before the proper tribunals, which he shall have power to do without warrant, for such violation committed within his view.

2. This act shall be in force from its passage.

Commencement.

CHAP. 142.—An ACT concerning oysters in the waters of the county of Lancaster and of the county of Middlesex.

[Passed April 28, 1852.]

1. Be it enacted by the general assembly, That hereafter, if any person When oystering after the first day of June and before the first day of October in any in waters of Lan-year, shall catch, take, buy or sell oysters from their natural beds or sex prohibited. sheals in any of the waters of the county of Lancaster in this state, or in the waters of the county of Middlesex adjoining the Rappahannock river, in quantities greater than fifty bushels in any one day, he shall remaity. forfeit twenty dollars for each offence.

2. This act shall be in force from its passage.

Commencement.

CHAP. 143.—An ACT amending the 18th section of chapter 101 of the Code of Virginia, concerning the taking of clams by nonresidents, so as to extend the provisions thereof to the waters of Northampton county.

[Passed June 7, 1852.]

1. Be it enacted by the general assembly, That the eighteenth section of Clams, where chapter one hundred and one of the Code of Virginia shall be and is non-sident not hereby amended, so that the said section, as re-enacted with such amend- See Code, p. 452. ment, shall read as follows: If any person, who is not an actual resident Penalty. of this state, shall catch clams in the waters of York river or its tributaries, or on Egg island flats, or in the waters within the jurisdiction of the county of Northampton, he shall forfeit twenty dollars, and give a re-

cognizance, in a penalty not exceeding fifty dollars, that he will not catch clams contrary to law for one year; and he shall be committed to jail for fifteen days, unless the judgment and recognizance be sooner paid and given.

Commencement.

2. This act shall be in force from its passage.

CHAP. 144.—An ACT concerning fisheries in the waters of the Potomac river. [Passed May 8, 1852.]

Hauling seines in places, pro-hibited.

1. Be it enacted by the general assembly, That hereafter, if any person the rotomse at shall haul any seine or seines of any description, or for any purpose, except floating sturgeon nets, not less than eight inch mesh, in the waters of the Potomac, from Maryland Point on the Maryland side, and from Marlborough Point on the Virginia side, to the head of navigation, during the months of May, June or July of any year, he shall be fined not less than one thousand dollars.

Commencement.

2. This act shall be in force so soon as the state of Maryland shall concur therein, or pass a similar act.

CHAP. 145 .- An ACT concerning the hauling of seines in the Potomac river and its tributaries. [Passed May 19, 1852.]

Hauling seines in the Potomac at places, pro-hibited.

Where gill nets allowed.

Hamling scines in
1. Be it enacted by the general assembly. That if any person other than the Potomac at citizens of Virginia and Maryland shall fish in the Potomac river or any of its tributaries, with seines not laid out from, hauled to and landed upon the shores thereof, he shall be fined not less than fifty nor more than five hundred dollars, one-half whereof shall be to the informer: Provided, Nothing herein contained shall be so construed as to affect the law in relation to fishing with gill nets in said waters above Maryland Point on the Maryland side and Marlborough Point on the Virginia side; but it shall be lawful for said citizens to fish with gill nets below those points.

Process and jurisdiction according to com-Virginia and actbetween Maryland. Repealing clause.

2. The process and jurisdiction to enforce the penalty for the violation of this act shall be according to the compact between Virginia and Maryland, so far as therein provided for, and so far as not so provided for, according to the other laws of this state.

3. All acts and parts of acts in conflict with this act are hereby re-

pealed.

Commencement. 4. This act shall be in force as soon as Maryland shall have given its assent thereto, or adopted its provisions.

> CHAP. 146.—An ACT concerning the bauling of seines in the waters of Accomack.

> > [Passed February 24, 1852.]

Hauling seines in tein times, prohibited.

1. Be it enacted by the general assembly, That if any person shall, in Accomack at cer- any one year after the fifteenth day of May and before the fifteenth day of August, haul a seine in any of the waters of the county of Accomack, he shall forfeit and pay for every such offence the sum of fifty dollars.

Repealing clause.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

Commencement.

3. This act shall be in force from its passage.

CHAP. 147.—An ACT to prevent the destruction of fish in the county of Washington.

[Passed May 27, 1852.]

Destruction of fish by poison, prohibited in Washington county.

1. Be it enacted by the general assembly, That any free person who shall hereafter throw or cause to be thrown into any of the waters within the county of Washington, a poisonous berry called "coculus indicus," or any poisonous substance, with intent to destroy the fish in any of said waters, shall be deemed guilty of a misdemeanor, and fined not exceeding twenty dollars.

Punishment of slaves.

2. Any slave who shall offend against the provision of this act shall, upon conviction thereof before any justice of the peace, he punished by stripes not exceeding thirty-nine.

·Commencement.

3. This act shall be in force from its passage.

CHAP. 148.—An ACT concerning rewards for killing panthers and other nexious animals.

[Passed May 3, 1852.]

1. Be it enacted by the general assembly, That the eighth section of Courts to fix rechapter one hundred and two of the Code of Virginia shall be and is wards for killing neutrons and bereby amended, so that the said section, as now re-enacted with such noxious animals. amendment, shall hereafter read as follows: The court of any county See Code, p. 456. may, when a majority of the acting justices thereof is present, or when all the acting justices have been summoned, under a previous order of the court, to act on the subject, allow or discontinue rewards for killing in such county panthers, wolves, foxes, wild cats, crows or blackbirds, fix or alter the amount of such rewards, make regulations for Regulations. establishing the right thereto, and for guarding against frauds upon the county, and alter or rescind such regulations.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. 149 .- An ACT for the incorporation and regulation of telegraph companies.

[Passed May 26, 1852.]

1. Be it enacted by the general assembly, That any number of persons Power to form may associate for the purpose of owning or constructing a line or lines telegraph associations. of wires of telegraph through this state, or from or to any point within this state, upon such terms and conditions, and subject to the liabilities prescribed in this act.

2. Such persons, under their hands and seals, shall make a certificate, Certificate of aswhich shall specify: First. The name assumed to distinguish such asso-sociation. ciation, and to be used in its dealings, and by which it may sue and be seed. Second. The general route of the line of telegraph designating Route of line. the points to be connected. Third. The capital stock of such associa-Capital.

tion, and the number of shares into which the stock shall be divided.

Fourth. The names and places of residence of the shareholders, and Shareholders the numbers of shares held by each of them respectively. Fifth. The and their shares period at which such association shall commence and terminate. Which and duration of certificate shall be proved or acknowledged and recorded in the office of association

the clerk of the county or corporation court, where any office of such ficate.

the secretary of the commonwealth. Such acknowledgment may be taken before any justice of the peace or other officer empowered to take acknowledgment of deeds of real estate, at the place where such ac-

knowledgment is taken.

3. Upon complying with the provisions of the last preceding section, Associations, such association shall be and hereby is declared to be a body corporate, when incorpoby the name as aforesaid, to be designated in said certificate; and a copy rated. of said certificate, duly certified by the clerk of the county or corporation court in whose office the same is filed and recorded, or by the secretary of the commonwealth, may be used as evidence in all courts and places for and against any such association.

4. Such association shall have power to purchase, receive and hold Power to hold and convey such real estate, and such only as may be necessary for the and convey real estate. convenient transaction of the business, and for effectually carrying on the operations of such associations, and may appoint such directors, offi- Officers and by cers and agents, and make such prudential rules, regulations and by-laws. laws as may be necessary in the transaction of their business, not inconsistent with the laws of this state or of the United States.

5. Such association is authorized to construct lines of telegraph along Power to constand upon any of the public roads and highways or across any of the public roads. waters within the limits of this state, by the erection of the necessary highways. fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines: Provided, The same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed to authorize the construction of any bridge across any of the waters of this state.

Damages to owners of property, how as-

6. If any person over whose lands said lines shall pass, upon which said posts, piers or abutments shall be placed, shall consider himself or herself aggrieved or damaged thereby, it shall be the duty of the county or corporation court of the county, town or city within which said lands are, on the application of such person, and on notice to said association, (to be served on the president or any director thereof,) to appoint five discreet and disinterested persons as commissioners, who shall severally take an oath, before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act. And it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisement of all the loss or damage sustained by said applicant by reason of said lines, posts, piers or abutments: duplicates of which said appraisement shall be reduced to writing and signed by said commissioners, or a majority of them. One conv shall be delivered to the applicant and the other to the president or any director or officer of said association or corporation, on demand; and in case any damage shall be adjudged to said applicant, the association or corporation shall pay the amount thereof, with costs of said appraise-

Damages and costs to be paid by association.

Compensation to ment: said costs to be liquidated and ascertained in said award; and commissioners. said commissioners shall receive for their services two dollars for each day they are actually employed in making said appraisement, to be ascertained and paid in manner as aforesaid.

Penalties for ining lines or fix-

7. Any person who shall unlawfully and intentionally injure, molest or juring or destroy destroy any of the said lines, posts, piers or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county or corporation jail not exceeding one year, or both these penalties may be inflicted at the discretion of the court.

Increase of capital and transfer of stock.

8. It shall be lawful for any association of persons organized under this act, by their articles of association, to provide for an increase of their capital stock, and the number of shareholders in the same; also for the sale and transfer of stock in their association, the names of the new shareholders being filed as prescribed in the second section of this bill with the secretary of the commonwealth.

Liability of stockof company.

9. The stockholders of every association organized in parsuance of holders for debts this act shall be jointly and severally personally liable for the payment of all debts and demands against such association which shall be contracted, or which shall be or shall become due during the time of their holding such stock, and no stockholder shall be proceeded against for the collection of any debt or demand against such association until judgment thereon shall have been obtained against the association and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall have been dissolved.

How despatches 10. It shall be the duty of the owner of the tobe transmitted, any telegraph line doing business within this state, to receive despatches to be transmitted, any telegraph line doing business within this state, to receive despatches from and for other telegraph lines and associations and from and for any individuals, and on payment of their usual charges to individuals for transmitting despatches as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered with costs of suit in the name and for the benefit of the person or persons sending or desiring to send such despatch. And in case of failure to deliver a despatch within such time as will allow, after its reception at the first office, one hour for each one hundred miles over which such despatch, containing fifty words or less,

Penalty for failure.

When fee for despatch to be refunded.

> demand of the party from whom it was received. 11. It shall likewise be the duty of every such owner or association to transmit all despatches in the order in which they are received, under the like penalty of one hundred dollars, to be recovered with costs of suit, by the person or persons whose despatch or despatches is or are postponed out of its or their order, as herein prescribed: Provided

> may be transmitted, and at the same rate for messages, the owner or association which received the charge therefor shall refund the same, on

Order of transmitting desnatches.

lowerer, That arrangements may be made with the proprietors or pub- What despatches lishers of newspapers for the transmission, for the purpose of publication, may be preof intelligence of general and public interest, out of its regular order.

12. Any person connected with any telegraph office or company in Penalty for dithis state, either as clerk, operator, messenger, or in any other capacity, vulging informa-who shall willfully divulge the contents or the nature of the contents of any private communication entrusted to him for transmission or delivery, or who shall willfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court, be adjudged guilty of a misde-Penalty for remeanor, and shall suffer imprisonment in the county or corporation jail fusing to send of the county or corporation where such conviction shall be had, for a despatch. term of not more than three months, or shall pay a fine not to exceed ive hundred dollars, in the discretion of the court.

13. The directors or trustees of any telegraph company, formed or How lines of incorporated under this act, may at any time, with the written consent telegraph may be extended or of the persons owning two-thirds of the capital stock of such company, branches made. extend their line of telegraph, or may construct branch lines to connect with their main line, or may unite with any other incorporated telegraph Union with other company, with such capital stock and upon such terms as may be agreed companies. upon.

14. This act shall take effect from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the legislature. general assembly.

CHAP. 150.—An ACT concerning the land which may be acquired by a company incorporated for a work of internal improvement.

[Passed May 24, 1852.]

1. Be it enacted, That the fifth section of the fifty-sixth chapter of the How much land Code of Virginia be amended and re-enacted, so as with the amend-company may ment, to read as follows: The land acquired by any company incorpoling. rated for a work of internal improvement, along its line generally, shall Code, p. 292. not exceed one hundred feet in width, except in deep cuts and fillings, and then only so much more shall be acquired as may be reasonably necessary therefor; the land which it may acquire for buildings or for an How much for abutment along its line generally shall not exceed three acres in any buildings or abutments, or at one parcel, and the land which it may acquire for buildings or other other places. purposes of the company, at the principal termini of its work, or at any place or places within five miles of such termini, shall not exceed fifteen acres in any one parcel.

2. This act shall be in force from its passage.

Commencement

CHAP. 151.—An ACT to amend the 19th section of the 66th chapter of the Code. [Passed April 20, 1852.]

1. Be it enacted by the general assembly, That the nineteenth section of Provision to rethe sixty-sixth chapter of the Code be and is hereby amended and re-stockholders and enacted, to read as follows: If in any company incorporated and or-appointment of ganized before the first day of July eighteen hundred and fifty, to the state directors. stock of which the said board has before or since that date subscribed, a resolution be adopted in a general meeting of the stockholders, (by the vote of the majority of the stockholders, other than the state,) assenting See Code, p. 301, to the tenth section of the fifty-seventh chapter, and to the fifteenth sec- 341. tion of this chapter, the same shall thenceforth be of the same force in respect to such company that they would be if the former had formed a part of the act incorporating such company, and the latter a part of the act prescribing the conditions on which the subscription was made on behalf of the state to the capital of such company. If such assent be not given, the votes in the meetings of stockholders in such company, and the appointment of directors therein, shall continue to be according to the laws in force on the day before the commencement of this act, unless it be a company whose charter is, by the terms thereof, subject to be altered, amended or modified by the legislature, in which case, the said tenth section of the fifty-seventh chapter, and the said fifteenth section of this chapter, shall be of the same force in respect to it as if such asseat had been given.

2. This act shall be in force from its passage.

Commencement.

CHAP. 152.—An ACT to facilitate the building and repairing of county bridges. [Passed April 20, 1852.]

How contracts counties may be

1. Be it enacted by the general assembly, That at any time, when any tor building or repairing bridges county court or county courts are authorized by the laws now in force or causeways by to direct or appoint commissioners to receive proposals for building or repairing a bridge or causeway, such court or courts may in their discretion authorize the commissioners to determine whether any, and if any, which of the proposals shall be accepted, and to reduce to writing a contract between the county or counties, and any person whose proposals they may accept, and to take bond from the contractor, with sufficient surcties, in a penalty at least double the amount which he is to receive under the contract, payable to the county or counties, with condition for the faithful performance of the contract. Such Bond and contract, after being signed by said contractor, shall be returned by the commissioners to the said county court or county courts; and if approved and ratified, the fact shall be entered of record, and the contract and bond shall from the time of such approval and ratification by said court or courts, be binding upon the county or counties and such contractor; and the said contract and bond shall remain filed in the clerk's office.

Court limited in amount for bridges, unless justices summoned.

2. No county court shall, for the building or repairing of any bridge or causeway, or for the making, improving or keeping in order any road or part of it, ratify any contract which stipulates for the payment by the county of an amount exceeding three hundred dollars, or order laborers to be hired, unless all the acting justices of such county shall have been previously summoned for that purpose; and no person appointed a commissioner under the order for such contract, shall become an undertaker for the work either directly or indirectly.

Commissioners not to be contractors.

Commencement.

CHAP. 153 .- An ACT to amend the charter of the James river and Kanawha company,

[Passed March 21, 1852.]

General meetings

1. Be it enacted by the general assembly, That the seventh section of of company, how the act, entitled "an act incorporating the stockholders of the James river and Kanawha company," passed the sixteenth day of March eighteen hundred and thirty-two, in the following words and figures, to wit: To constitute a general meeting, there must be present, either in person or by proxy, a number of stockholders having a right to give a majority of all the votes which could be given at a meeting of all the stockholders—be and is hereby so amended, with the assent of said company in such general meeting as is now prescribed by law, that to constitute hereafter a general meeting, there must be present, either in person or by proxy, a number of stockholders representing two-thirds of all the stock of the company, including that owned by the commonwealth of

Commencement.

2. This act shall be in force from its passage.

3. This act shall be in force from its passage.

CHAP. 154.—An ACT to authorize a loan to the James river and Kanawha company, so as to prevent any failure to meet the interest for which the state is bound.

[Passed June 5, 1852.]

Loan authorized to pay interest due by James river and Ka-

1. Be it enacted by the general assembly, That it shall be lawful for the Board of public works and they are hereby authorized to borrow, on or before the first day of July next, the sum of one hundred and twenty nawha company thousand dollars; and certificates for the money so borrowed shall be issued according to the provisions of the act passed at the present session of the general assembly relating to the issue of coupon bonds; and that said Board of public works shall loan to the James river and Kanawha company on the said first day of July, the said sum of money for the payment of the interest on the said company's bonds guaranteed by the state, and the interest on state bonds heretofore loaned to said company, and the annuity to the old James river company, for which the state is bound; and to be applied to no other object whatsoever, so as to relieve the state of its liability for such interest.

2. Be it further enacted, That the Board of public works shall take Security for refrom the said company its obligation for the said sum of money as it payment of loan. shall be loaned, conditioned to pay into the treasury interest thereon at the rate of six per centum semi-annually, and to repay the principal within five years from the date of such loan.

3. This act shall be in force from the passage thereof.

Commencement.

CHAP. 155.—An ACT directing the Board of public works to cause to be repaired and reconstructed the bridges recently destroyed on the Staunton and Parkersburg turnpike road.

[Passed April 28, 1852.]

1. Be it enacted by the general assembly, That the Board of public Bridges, &cr. on works be and they are hereby authorized and required, as soon as prac-Staunton and ticable, to cause to be repaired and reconstructed all the bridges and em-road to be rebankments recently injured and destroyed on the Staunton and Par-paired. kersburg turnpike road, and to apply the money necessary for such re-Funds therefor. pairs and reconstruction out of the unexpended balance appropriated by an act, entitled "an act to provide for macadamizing certain parts of the Staunton and Parkersburg road," passed March twelfth, eighteen hun- Acts 1848-9, p. 92. dred and forty-nine.

2. This act shall be in force from its passage.

Commencement

CHAP. 156.—An ACT to amend the act, entitled "an act to incorporate the Blue Ridge railroad company, and for other purposes," passed March 5, 1849, and repealing so much of said act as restricts said company from borrowing and contracting to pay in any one year more than one hundred thousand dollars. [Passed March 3, 1852.]

- 1. Be it enacted by the general assembly, That the third section of the Power to conact passed March fifth, eighteen hundred and forty-nine, entitled "an act tract for tunnel and railroad. to incorporate the Blue Ridge railroad company, and for other pur-Acts 1848-9, p. 99. poses," be re-enacted and so amended, as to read as follows, to wit: That so soon as said location shall have been completed, the said company shall, after due advertisements in the public prints, proceed to let the contracts for the construction of said tunnel and of said railroad with a heavy rail, requiring bonds with approved security for the faithful execution of said contracts.
- 2. That the fourth section of said act be re-enacted and so amended, Power to borrow as to read as follows, to wit: That for the purposes aforesaid, the presi-money. dent and directors of said company shall have power to borrow on the credit of the commonwealth the money necessary to meet the payments for work already done or hereafter to be done in constructing said tunnel and railroad, as they may be called for by the estimates and drafts of the engineer of said company. But such money shall be borrowed so Sums limited. that there shall be added to the public debt on this account not more than one hundred and fifty thousand dollars on the first day of July eighteen hundred and fifty-two, one hundred and fifty thousand dollars on the first day of January eighteen hundred and fifty-three, one hundred thousand dollars on the first day of July eighteen hundred and fifty-three.

and one hundred thousand dollars on the first day of January eighteen

bundred and fifty-four.
3. Provided, That the Board of public works shall require of the Vir- Virginia Central ginia Central railroad company to pay an adequate compensation, to be railroad to pay agreed upon by said board and said company, for using such portions of connected with the Blue Ridge railroad as may be finished prior to the completion of tunnel. But this provision shall not affect the rate of toll required Proviso. to be paid by said Virginia Central railroad company for using the Blue Ridge railroad and the tunnel after the completion thereof, under the provisions of the aforesaid act, entitled "an act to incorporate the Blue

Ridge railroad company, and for other purposes."

4. This act shall be in force from its passage.

Commencement

CHAP. 157.—An ACT concerning land damages occasioned by that portion of the Blue Ridge railroad which was located since 1st of July 1850.

[Passed June 1, 1852.]

Preamble.

Whereas doubts are entertained whether any, and if any, what provi-

sion exists by law for assessing and paying the land damages occasioned by that portion of the Blue Ridge railroad which has been located since the first day of July eighteen hundred and fifty: For remedy thereof,

Land damages, how assessed and ter fifty-six of the Code of Virginia in relation to the assessment and see Code, p. 292, payment of damages shall be applicable to the damages aforesaid, as well as to those occasioned to the lands upon which said road was located prior to the first day of July eighteen hundred and fifty.

Commencement. 2. This act shall be in force from its passage.

ACTS

OF A

PRIVATE OR LOCAL NATURE.

PART II.

CHAP. 158.—An ACT for further extending time for completing the Seaboard and Roanoke railroad, and authorizing that company to subscribe to the capital stock of the Raleigh and Gaston railroad company.

[Passed February 19, 1852.]

1. Be it enacted by the general assembly, That the Board of public Time allowed works are hereby authorized and directed to allow the trustees of the trustees of Ports town of Portsmouth until the twenty-eighth day of June eighteen hun-mouth to pay debt due for Seadred and fifty-four, to pay, with interest thereon to the time of payment, board and Roanthe first installment of fifteen thousand dollars due by the said trustees oke railroad.

on account of the purchase money of the Seaboard and Roanoke railroad, and for which a bond was executed to the said board by the trus-

tees aforesaid, payable in two years from its date.

2. If within two years from the seventeenth day of March next, the when mortgage said Seaboard and Roanoke railroad shall be rebuilt, and a line of rail-to be released by road completed from the town of Portsmouth, connecting with the Ra-Board of public leigh and Gaston railroad in North Carolina, and in active and efficient See post, ch. 159. operation for the transportation of freight and passengers, then the Board of public works shall release to the said trustees the mortgage executed by the said trustees to secure the purchase money aforesaid, and shall release all claims and demands of said board as agent for the commonwealth against the said trustees on account of the principal and interest of the entire debt of fifty thousand dollars due at the time of such release, for the purchase aforesaid.

3. The Seaboard and Roanoke railroad company is hereby authorized Subscription to to subscribe to the capital stock of the Raleigh and Gaston railroad Raleigh and Gaston railroad Raleigh and Gaston railroad Roanok on railroad. company such amount as may be agreed upon by the said companies.

4. The first and second sections of the act passed on the seventeenth Repealing clause. day of March eighteen hundred and forty-nine, entitled "an act concerning the debt to the Board of public works due from the trustees of Portsmouth on account of the purchase of the Seaboard and Roanoke railroad." and the act passed on the tenth day of January eighteen hundred and fifty-one, entitled "an act for extending the time for completing the Seaboard and Roanoke railroad," are hereby repealed.

5. This act shall be in force from its passage.

Commencement

CRAP. 159.-An ACT extending the time for completing the Seaboard and Roanoke railroad, and authorizing that company to subscribe to the capital stock of the Raleigh and Gaston railroad company.

[Passed March 19, 1852.]

1. Be it enacted by the general assembly, That the first and second sec-What former tions of the act passed on the seventeenth day of March eighteen hun-laws repealed. See Acts 1848-9, dred and forty-nine, entitled "an act concerning the debt to the Board p. 103, 104; ef public works due from the trustees of Portsmouth on account of the 1805-51, p. 59, and ante, c. 158.

purchase of the Seaboard and Roanoke railroad," the act passed on the tenth day of January eighteen hundred and fifty-one, entitled "an act for extending the time for completing the Seaboard and Roanoke railroad," and the act passed on the eighteenth day of February eighteen hundred and fifty-two, entitled "an act for further extending the time for completing the Seaboard and Roanoke railroad, and authorizing that company to subscribe to the capital stock of the Raleigh and Gaston railroad company," be and the same are hereby repealed, and the following substituted therefor:

Time allowed trustees of Portsmouth to pay for Seaboard and Roanoke rail. road.

2. That the Board of public works shall allow the trustees of the town of Portsmouth until the twenty-eighth day of June eighteen hundred and fifty-four, to pay with interest thereon to the time of payment, the debt of the said trustees on account of the purchase money of the Seaboard and Roanoke railroad, and for which bonds were executed by the trustees aforesaid to the said Board of public works.

When mortgage and debt to be released.

3. If, on or before the seventeenth day of March eighteen hundred and fifty-four, the said Seaboard and Roanoke railroad shall be rebuilt. and a line of railroad completed from the town of Portsmouth, connecting with the Raleigh and Gaston railroad in North Carolina, and in active and efficient operation for the transportation of freight and passengers, then the Board of public works shall release to the trustees of the town of Portsmouth the mortgage executed by the said trustees to secure the purchase money aforesaid, and shall release all claims and demands of said board as agent for the commonwealth, against the said trustees on account of the principal and interest of the entire debt aforesaid.

Subscription by ton railroad. Commencement.

4. The Scaboard and Roanoke railroad company is hereby authorized company to Raleigh and Gaston railroad conspany such amount as may be agreed upon by the said companies.

5. This act shall be in force from its passage.

CHAP. 160.—An ACT authorizing the trustees of the town of Farmville to assess and collect taxes for the purpose of paying the subscription for 200 shares in the Southside railroad company, made by the corporation of said town.

[Passed May 11, 1852.]

railroad.

Taxation of citi-zens of Farmvillo trustees of the town of Farmville (for the purpose of paying the subto pay subscription made by the corporation of said town for two hundred shares in the Southside railroad company, under the authority of an act of the general assembly, entitled "an act to authorize the common hall of Petersburg and the trustees of the town of Farmville to subscribe to the stock of the Southside railroad company, and for other purposes," passed December twelfth, eighteen hundred and fifty) to assess and collect an annual tax within the said town, on all such property as is now or may hereafter be subject to taxation by the revenue laws of this commonwealth: Provided, That the tax on real estate shall not exceed in any one year one per centum on the fee simple value; that the tax on slaves shall not exceed in any one year two dollars, and that the tax on white male tithables shall not exceed in any one year five dollars.

Tax limited.

Taxes on drays, wagons and hacks.

2. It shall be lawful for the said trustees to assess and collect taxes on all drays, wagons and hacks owned and run in said town, and to regulate the use thereof by such ordinances and regulations as may to them seem proper.

3. When the subscription aforesaid shall have been fully paid, then this act shall cease and become null.

Duration of act.

4. This act shall be in force from its passage. Commencement.

> CHAP. 161.—An ACT to authorize the county court of Bedford to sell to the Virginia and Tennessee railroad company a certain lot of land.

> > [Passed May 11, 1852.]

Whereas by an act of the general assembly, passed on the twenty-Preamble. See Acts 1849-50, first day of March eighteen hundred and fifty, entitled "an act to provide for the sale of a portion of a certain public lot by the county court of Bedford," the said county court of Bedford was empowered to authorize a sale of a portion of the two acres of ground reserved by law for the use of the said county, and whereon the courthouse and other public buildings of said county have been erected; and whereas on the twenty-fifth day of November eighteen hundred and fifty, the said county court, in pursuance of the manifest intention of the said act, made an order appointing commissioners, and in effect giving them authority to lay off by metes and bounds a part of the said public lot, (not exceeding one acre,) and value at a fair cash price, and sell the same at such valuation to the Virginia and Tennessee railroad company, binding the said company by sufficient covenants to keep the spring on said lot in good order and condition, so that the public might have the free use of the water thereof: And the said commissioners not having as yet acted,

1. Be it therefore enacted by the general assembly, That it shall be Sale of lot by lawful for the county court of Bedford to authorize the private sale and bedford county conveyance of not exceeding one acre of the above mentioned two Tennessee railacres of ground to the said Virginia and Tennessee railroad company, road company. in the mode and upon the terms, conditions and covenants specified in the said order of the said county court, according to the true intent and

design thereof, and for the use of the said company only. 2. So much of the said act of the twenty-first of March eighteen Repealing clause. hundred and fifty, as is inconsistent with the provisions of this act, is

hereby repealed.

3. This act shall be in force from its passage.

Commencement.

CHAP. 162.—An ACT extending the Manassa's gap railroad from Strasburg to a point on the Baltimore and Ohio railroad at or near Paddytown.

[Passed June 3, 1852.]

1. Be it enacted by the general assembly, That the Manassa's gap rail-Extension of road company be and they are hereby authorized to extend the said road Manassa's gap from Strasburg in the county of Shenandoah, to a point on the Balti-Paddytown. more and Ohio railroad at or near Paddytown in the county of Hampshire, by such route as upon survey may be deemed most advisable by the said company.

2. That the said company shall be governed, in the location and con-Regulations for struction of the branch hereby authorized, by the terms of their present tension. charter, and by the provisions of chapter sixty-seven of the Code of Virginia. But the branch of such extension shall not be commenced until When to be comthe said company has put under contract for actual construction their menced. road from Strasburg to Harrisonburg in the county of Rockingham.

3. This act shall be in force from its passage.

Commencement.

CHAP. 163.—An ACT concerning the Manassa's gap railroad company and the Orange and Alexandria railroad company.

[Passed February 24, 1852.]

1. Be it enacted by the general assembly of Virginia, That the Manas-Arrangement besa's gap railroad company and the Orange and Alexandria railroad com-tween Manassa's pany are hereby authorized and empowered to contract for the trans- and Alexandria portation of tonnage, passengers and the public mail by the Manassa's railroads for gap railroad company, with or without their own machinery and cars, over the Orange and Alexandria railroad; and the Manassa's gap railroad company may contract with the said Orange and Alexandria railroad company for the use of their buildings, depot, water stations and railway tracks leading thereto.

2. This act shall be in force from its passage.

Commencement.

CHAP. 164.—An ACT to authorize the Orange and Alexandria railroad company to construct their road through the public lot of Orange county. [Passed May 29, 1852.]

1. Be it enacted by the general assembly, That leave is hereby granted Orange and Alexto the Orange and Alexandria railroad company to construct their road andria railroad to through the public lot of Orange county, (upon which the courthouse of run through

courthouse lot of Orango county.

said county is located,) and to run their locomotives and trains upon the same. But the privilege herein granted shall not be so construed as to empower said railroad company to interfere with or disturb the site of any of the county buildings on said public lot.

Commencement.

2. This act shall be in force from its passage.

CHAP. 165 .- An ACT authorizing the city of Wheeling to subscribe to the capital stock of the Marietta and Cincinnati railroad company.

[Passed May 21, 1852.]

abecription by Wheeling to rail-roads in state of Ohio.

1. Be it enacted by the general assembly, That the council of the city of Wheeling may subscribe, in the name and on behalf of the said city, to the capital stock of the Marietta and Cincinnati railroad company, or any company authorized to construct a railroad from Marietta in the state of Ohio, to said city of Wheeling, to an amount not exceeding two hundred and fifty thousand dollars, and may pay such subscription in the bonds of said city or otherwise.

Subscription to be submitted to people.

2. Be it further enacted, That before any such subscription shall be made, the maximum amount thereof shall be proposed, and the question, whether such subscription shall be made or not, shall be submitted, under suitable regulations, to be prescribed by the council of said city, to a vote of the persons having the right to vote for mayor of said city; and unless three-fifths of the votes given shall be given in favor of making such subscription, the same shall not be made.

What vote to enthorize subseription.

Power of city to subscription.

3. Be it further enacted, That when any such subscription authorized levy taxes to pay by this act shall be made, the council of said city shall be authorized to levy and collect a special tax on all the real estate within said city, to provide for the payment of the principal and interest of any debt contracted in the making of said subscription, to be levied and collected in the manner to be prescribed by the council of said city. All such taxes levied and collected by virtue of this act shall be a fund for the payment of the principal and interest of the said debt, and for no other purpose

Commencement.

4. This act shall take effect from and after its passage.

CHAP. 166.—An ACT authorizing the Northwestern Virginia railroad company to construct a branch thereof from Clarksburg, or some other convenient point on said road, to Weston in the county of Lewis.

[Passed May 21, 1852.] 1. Be it enacted by the general assembly, That it shall be lawful for

Branch of Northwestern Virginia the Northwestern Virginia railroad company to construct a branch of

Subscriptions obtained by Lewis county, to be applied to branch. Subscription by Weston, to be submitted to

people. Commencement.

their said road from Clarksburg in the county of Harrison, or some other convenient point on their said road, to Weston in the county of Lewis; Town of Weston and to enable the said company to construct said branch, it shall be to subscribe for lawful for the corporation of Weston, under such regulations as the stock. trustees thereof may prescribe, to subscribe to the capital stock of said company, in any sum not exceeding twenty thousand dollars; and the subscriptions which hereafter may be obtained from individuals of the county of Lewis, or from others at their instance, shall be deemed to be subscriptions to be applied first to make the branch aforesaid: Provided, That no subscription on behalf of said town of Weston shall be made until it be approved by the qualified voters of said town.

2. This act shall be in force from its passage.

CHAP. 167.—An ACT authorizing the county court of Marshall county and towns in said county to subscribe to the capital stock of the Ohio Central railroad company.

[Passed May 28, 1852.]

Marchall county to subscribe to Central Ohio railroad.

1. Be it enacted by the general assembly, That the county court of Marshall shall subscribe, in the name and behalf of the county of Marshall for capital stock of the Central Ohio railroad company incorporated by the state of Ohio, with authority to construct a railroad terminating at Dilley's Bottom, opposite the flats of Grave creek in the

county of Marshall; that the whole amount of subscriptions to be made Amount of subby said county to said railroad company shall not exceed two hundred seription.

and fifty thousand dollars.

2. That before any such subscription shall be made, the question, Subscription to whether the same shall be made or not, shall be submitted, under regu- be submitted to lations prescribed by the Code of Virginia in similar cases, to a vote of people. the persons now having a right to vote in other elections; and a majority of votes polled being given in favor of the subscription, the same shall be made as prescribed in the first section. At any session of the

county court thereafter, application may be made for that purpose.

3. That the subscription for stock of the Central Ohio railroad, autho-Condition of rized to be made by the first section, shall be made by the county court subscription. of Marshall, only upon the condition that said railroad company terminate their said road at Dilley's Bottom, opposite the flats of Grave

creek aforesaid.

eck aforesaid.

4. That said county of Marshall may pay any subscription made to Subscription, how paid.

said railroad stock in bonds of the county.

5. Each of the towns of Moundsville and Elizabethtown in the said Subscriptions by county of Marshall shall also have authority to subscribe, through the townsof Moundaction of their respective councils, for capital stock of the said railroad bethown. company to an amount not exceeding twenty-five thousand dollars, and to pay for the same by the issue of bonds of the said towns respectively, or otherwise, and also to levy a special tax upon the subjects of state Power to levy taxation within the said towns respectively, sufficient to discharge the taxes or to pay liabilities thereby incurred. But no such subscriptions shall be made by Subscriptions to either of said towns until the question of making the same shall be sub- be submitted to mitted to the vote of the inhabitants thereof qualified to vote for mem-people of towns. bers of the general assembly, at a poll to be opened and conducted according to regulations to be prescribed by the council, and such subscriptions shall have been approved by three-fifths of the voters voting upon the question.

6. This act shall be in force from its passage.

Commencement.

CHAP. 168.—An ACT to incorporate the Fairfax and Potomac plank road company. [Passed February 24, 1852.]

1. Be it enacted by the general assembly, That for the purpose of con-nouts of road structing a plank road from the town of Providence in the county of Amended. See Fairfax to the Potomac river, near the town of Georgetown in the Dis-post, c. 169. trict of Columbia, it shall be lawful to open books of subscription to an Capital. amount not exceeding sixty thousand dollars of capital stock, to be divided into shares of fifty dollars each. The said books shall be opened at Fair- Subscriptions, fax courthouse, under the superintendence of George W. Hunter, Tho-where and by mas R. Love, F. D. Richardson, Noah Deyo, Jarrard Meade, James whom taken. Hunter, William T. Rumsey, Alfred Moss and Thomas Moore, or any three of them; and at such other place or places, and under the superintendence of such agents as a majority of the commissioners above named may appoint.

2. For the purpose of continuing said road to the town of Georgetown Bridge across in the District of Columbia, it shall be lawful for the said company to Potomac. construct any toll bridge or other work across the waters of the Potomac river within the jurisdiction of this state, agreeably to the provisions of

chapters fifty-seven and sixty-one of the Code of Virginia.

3. When four hundred shares of stock shall have been subscribed, the Company incorsubscribers, their executors, administrators and assigns shall be and are porated.

Amended. See hereby incorporated into a company by the name and style of "The post, c. 189, § 2. Fairfax and Potomac Plank Road Company," agreeably to the provisions Regulations. Regulations. Reductions. Road, how con-That said road shall be graded at least twenty feet wide, and constructed structed. with plank at least eight feet wide, and that said road shall nowhere exceed a grade of three degrees.

4. The said company shall commence the construction of the said Where to comroad at the Potomac river near Georgetown, and proceed with the same, mence and how by regular continuous sections, except in such cases as the president and road.

directors may, from the delay occasioned by the erection of bridges and

difficult passes in any particular section, direct otherwise.

Present roads may be used by company.

5. Be it further enacted, That parts or portions of the present public roads and highways in the county of Fairfax, through which the said plank road may run, may be taken and used by the said company to construct their road upon: Provided, That the county court of Fairfax County court of Fairtax to conshall consent thereto and so direct by an order of said court. Time for com-

6. The said company shall commence the construction of said road within three years from the passage of this act, and shall complete the completing road. same within five years thereafter.

Commencement.

mencing and

7. This act shall be in force from its passage.

CHAP. 169 .- An ACT to amend and re-enact an act, entitled "an act to incorporate the Fairfax and Potomac plank road company.'

[Passed April 27, 1852.]

Route of road. See ante, c. 162.

Capital.

1. Be it enacted by the general assembly, That the act passed the twenty-fourth day of February, eighteen hundred and fifty-two, entitled "an act to incorporate the Fairfax and Potomac plank road company," be re-enacted and amended, so as to read as follows, to wit: That for the purpose of constructing a plank road from the town of Providence in the county of Fairfax to some point on the Potomac river, it shall be lawful to open books to receive subscriptions of capital stock, to an amount not exceeding sixty thousand dollars, to be divided into shares of twenty-five dollars each. Such books shall be opened at Fairfax courthouse, under the superintendence of George W. Hunter, Thomas R. Love, F. D. Richardson, Noah Deyo, Jared Meade, James Hunter. William T. Rumsey, Alfred Moss and Thomas Moore, or any two of them, and at such other places and under the superintendence of such agents as a majority of the above named commissioners may appoint.

Subscriptions,

where and by

whom taken.

Company incorporated.

Name. Regulations.

Road, how con-

structed.

2. When eight hundred shares of stock have been subscribed, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated and made a body politic and corporate by the name and style of "The Fairfax and Potomac Plank Road Company;" and shall be invested with all the rights and privileges, and be subject to all the restrictions and regulations, so far as they are applicable, prescribed by chapters fifty-seven and sixty-one of the Code of Virginia: Provided. That said road shall be graded at least twenty feet wide, and be constructed with plank at least eight feet wide, and that said road shall nowhere exceed a grade of three degrees.

Bridge or viaduct across Potomac.

be obstructed.

Road, where to be commenced and how progressed with.

How public roads may be used by company.

Time for commencing and completing road.

Commencement.

3. For the purpose of continuing said road to the District of Columbia, it shall be lawful for the said company to construct a toll bridge or other viaduct across the waters of the Potomac river, within Navigation not to the jurisdiction of this state; but such bridge or viaduct shall be so constructed as not to obstruct the navigation of said river.

4. The said company may commence the construction of the said road at any point upon the line thereof deemed most advantageous, and proceed with the same, by regular continuous sections, except when, owing to delay occasioned by the erection of bridges or by the construction of difficult portions of any particular section, the said company shall direct otherwise.

5. That if the county court of Fairfax shall consent thereto, and so direct, said company may take and use, for the purposes of said road. such portions as may be required of the public roads and highways of said county of Fairfax.

6. The said company shall commence the construction of said road within three years from the passage of this act, and shall complete the same within five years thereafter.

7. This act shall be in force from its passage.

CHAP. 170.—An ACT to incorporate the Farmville and Buckingham plank road company.

[Paseed May 22, 1852.]

Capital.

1. Be it enacted by the general assembly, That it shall be lawful to open books for receiving subscriptions to an amount not exceeding seventy-

five thousand dollars, to be divided into shares of fifty dollars each, to Route of road. constitute a joint capital stock for constructing a plank road from Farmville in the county of Prince Edward, running through a portion of the counties of Prince Edward and Cumberland, in the direction of Buckingham courthouse, to some point in said county of Buckingham, to be fixed upon after the proper estimates and surveys have been made. The said Subscriptions, books shall be opened in the town of Farmville, under the superinten-where and by dence of Edward W. Hubbard, William M. Moseley, George W. Daniel, whom taken. Francis P. Wood, Jacob W. Morton, James W. Dunning and Walter H. Middleton, or any three of them; and at such other places and under the superintendence of such agents as a majority of the said commissioners at Farmville may appoint.

2. When five thousand shares of the stock shall have been subscribed, Company incorthe subscribers, their executors, administrators and assigns shall be in-porated. corporated into a company by the name and style of "The Farmville Name; regula-and Buckingham Plank Road Company," agreeably to the provisions tions. of the fifty-seventh and sixty-first chapters of the Code of Virginia:

Provided, That the said road shall be graded at least twenty feet wide, Road how conand constructed with plank at least eight feet wide, and that its grade structed. shall nowhere exceed four degrees.

3. The said company shall commence the construction of said road at Road, where the town of Farmville, and proceed with the same by regular continuous commenced and sections, except in such cases as the president and directors may, from with. the delay occasioned by the erection of bridges and difficult passes in

any particular section, direct otherwise.

4. The parts or portions of the present public roads and highways in Use of public the counties aforesaid, through which the said plank road may run may roads granted to be taken and used by said company to construct their road upon: Provided, That the county court of the county in which such public road or highway may be shall consent thereto, and so direct by an order of said court.

5. The said road hereby authorized to be constructed shall be com- Time for commenced within two years from the passage of this act, and shall be com-mencing and pleted within five years thereafter.

completing road.

6. This act shall be in force from its passage.

Commencement

CHAP. 171.—An ACT to incorporate the Marysville plank road company. [Passed May 13, 1252.]

1. Be it enacted by the general assembly of Virginia, That it shall be Subscriptions, lawful to open books at Charlotte courthouse, under the direction of where and by George W. Read, Wyatt Cardwell, William T. Scott, John Booker, Thomas E. Watkins and Richard I. Gaines, any three of whom may act, for the purpose of receiving subscriptions to an amount not exceed- Capital, ing twenty-five thousand dollars, in shares of fifty dollars each, to conetitute a joint capital stock for constructing a plank road from Charlotte Route of road. courthouse to the Richmond and Danville railroad at some point between Keysville and Overby's store in said county.

2. Be it further enacted, That whenever a majority of the stockholders Extension of of said company deem it advisable, it shall be lawful to continue said road to Cub road from Charlotte courthouse to some point on Cub creek within said creek.

county of Charlotte.

3. When two hundred shares or ten thousand dollars of the capital Marysville plank stock have been subscribed, the subscribers, their executors, administra-road company tors and assigns shall be and are hereby incorporated into a company by the name and style of "The Marysville Plank Road Company," sub-Regulations. ject to the provisions of the sixty-first chapter of the Code of Virginia, so far as it may be applicable to this road : Provided however, That this Road, how concompany shall not be required to construct, unless a majority of stock. structed holders so determine, any summer or side road: Provided also, That the When tolls may said road shall not be graded more than twenty nor less than fifteen feet be demanded. wide, and laid with plank at least eight feet wide, and the grade to be such as a majority of said company of stockholders may determine upon: And provided also, That whenever two-thirds of the said road from the

Rate of toll.

Richmond and Danville railroad to Charlotte courthouse shall be completed, it shall be lawful for said company to levy and collect tolls.

4. Be it further enacted, That the president and directors of said company shall be authorized to demand and receive such tolls on all conveyances, horses, live stock, persons and things traversing the said road, or conveyed on the same, as they shall deem expedient: Provided, Whenever the said tolls shall enable the said company, after paying all current expenses, and setting apart a reasonable contingent fund for repairs and casualties, to divide more than fifteen per centum per annum, that then they shall be so regulated as to enable the company to divide fifteen per centum per annum and no more.

Commencement.

5. This act shall be in force from its passage.

CHAP. 172 .- An ACT incorporating the Lawrenceville plank road company. [Passed May 10, 1852.]

Canital.

1. Be it enacted by the general assembly, That it shall be lawful to open books for receiving subscriptions to an amount not exceeding ten thousand dollars, to be divided into shares of one hundred dollars each, to constitute a joint capital stock for the purpose of constructing a plank

Route of road.

Subscriptions. where and by whom opened. or timber road from the town of Lawrenceville in the county of Brunswick, by the most practicable route, to some point on the Boydton and The said books shall be Petersburg plank road in the said county. opened at Lawrenceville, under the superintendence of E. B. Hicks, Robert Kirkland, Joseph Traylor, John E. Shell and Richard H. Sharp, or any three of them; and at Butt & Loveland's store, under the superintendence of R. W. Field, Thomas E. Marable, Samuel K. Lucy, Richard P. Stith and Edward B. Tucker, or any three of them.

Lawrenceville plank road company incorporated. Regulations.

2. When fifty shares shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and they are hereby incorporated into a company by the name and style of "The Lawrenceville Plank Road Company," subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia, so far as the same may be applicable to said company.

Use of public roads, how granted to company.

Boydton and Petersburg plank road.

Road, how constructed.

Increase of capi-

3. With the consent of the county court of Brunswick county first obtained, the said company may, in constructing said plank road, take and use any of the present public roads and highways of said county, or Connection with any portions thereof; and the said company are hereby authorized and empowered to connect their road with the Boydton and Petersburg plank road at any point therein they may think proper.

4. The said company shall construct their road not less than sixteen

feet wide, and cover with plank or timber not less than eight feet thereof.

5. The shareholders of the said company shall have power, should the ten thousand dollars before mentioned prove insufficient, to increase the capital stock of said company to an amount sufficient to complete said road; and the subscribers under this section shall have and enjoy the same rights and privileges and be subject to the same liabilities as the original shareholders.

Time for commencing and completing work.

Commencement.

6. The said company shall commence the construction of said work within two years after the passage of this act, and complete the same within five years after such commencement.

7. This act shall be in force from and after its passage.

CHAP. 173.—An ACT to incorporate a company to construct a graded or plank road from Danville, or some point on the Richmond and Danville railroad, by Pittsylvania courthouse, to some point at or near Pig river in the county of

[Passed May 29, 1852.]

Route of road.

Capital.

Pittsylvania.

1. Be it enacted by the general assembly, That for the purpose of constructing a graded or plank road from Danville, or some point on the Richmond and Danville railroad, by Pittsylvania courthouse, to some point at or near Pig river in Pittsylvania county, it shall be lawful to open books for receiving subscriptions to an amount not exceeding fifteen thousand dollars, to be divided into shares of twenty five dollars each,

to constitute a joint capital stock. The said books shall be opened at Subscriptions, Pittsylvania courthouse, under the superintendence of James M. Whit- where and by the, Celeman D. Bennett, William H. Tunstall, Chesley Martin, John L. White and James L. Poindexter, or any two of them, and at such other place or places and under the direction of such agents as the above named commissioners may appoint.

2. When three hundred shares of the capital stock shall have been panylle and Pig subscribed, the subscribers, their executors, administrators and assigns river company shall be and they are hereby incorporated into a company by the name incorporated and style of "The Danville and Pig River Company," conformably to the Regulations.

provisions of chapters fifty-seven and sixty-one of the Code of Virginia.

3. Be it further enacted, That any parts or portions of the present How use of pubpublic roads or highways in the county of Pittsylvania, through which lic roads ob-

public roads or highways in the county of Pittsylvania, through which lic roads ob the said graded or plank road may run, may be taken and used by said tained. company to construct their road thereon: Provided, That the county court of Pittsylvania shall consent thereto, and so direct by an order of said court.

4. Be it further enacted, That the said company is authorized to build What kind of or construct either a graded or plank road of the usual width, and that road to be conits grade shall nowhere exceed three degrees.

5. This act shall be in force from its passage.

Commencement

CHAP. 174.—An ACT authorizing the Pittsylvania and Lynchburg turnpike company to convert their turnpike into a plank road, and to extend the same.

[Passed June 1, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful for the Pittsylvania and Pittsylvania and Lynchburg turnpike company to convert their turnpike Lynchburg turnpike authorized into a road, with two tracks for wagons, whereof one shall be made of to convert road plank not less than eight feet wide, and the other of earth or other mainto plank road. terial that may be selected by the company, and to extend the said road Extension of by a similar construction to the southern line of the county of Pittsylroad. vania, or to the town of Danville. If, in extending said road, the same Branch road to shall be located so as not to pass by Pittsylvania courthouse, the said Pittsylvania company shall have power to construct a branch of their road to that courthouse.

2. In substituting the said road for the present turnpike, the said com-Power to change pany shall not be confined to their present location, but shall have power location of road to change the same whenever they may deem it advisable to do so, and also to extend the same either to some point on the boundary line of the

town of Lynchburg, or to some point on the line which limits the jurisdiction of the corporation court of Lynchburg.

3. To enable the said company to effect said extension and change, it Increase of capilis hereby authorized to increase its capital stock by an additional sum, tal. not exceeding one hundred and twenty thousand dollars, to be divided into shares of fifty dollars each, and to open books for receiving subscriptions therefor, at such times and places as it may deem proper.

4. This act shall be in force from its passage.

Commencement.

CHAP. 175.—An ACT to incorporate the Lunenburg plank road company.

[Passed May 25, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to Capital. open books for receiving subscriptions to an amount not exceeding fifty thousand dollars, divided into shares of twenty-five dollars each, to constitute a joint capital stock for the purpose of constructing a plank road Route of road from Black's and White's in the county of Nottoway, across the Nottoway river, below the junction of Big and Little Nottoway rivers, to some point on the Meherrin river in the county of Lunenburg, or to Lewiston in the county of Lunenburg, as a majority of stockholders in general meeting assembled, when organized, shall determine. The said books Subscriptions shall be opened at Lewiston in the county of Lunenburg, under the suwhere and by perintendence of Thomas Jefferson, John Orgain, William Neblett, R. H. Allen and William Irby, or any one of them, and at such other place

or places, and under the direction of such agents as the above named commissioners shall appoint.

2. When two hundred and fifty shares shall have been subscribed,

Lunenburg plank road company incorporated.

Regulations. Road, how constructed.

the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a company by the name and style of "The Lunenburg Plank Road Company," subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia: Provided, That the said company shall construct the said road not less than sixteen feet wide, exclusive of side ditches, and cover not less than eight feet wide with plank, and that its grade shall nowhere exceed three degrees.

How use of pub-lic roads obtained.

3. Parts or portions of the present public roads and highways in the counties through which the said road shall pass may be taken and used by the said company to construct their road thereon: Provided, That the county courts, in which the said road may be, shall consent therete, and so direct.

Time for commencing and completing work.

4. The company shall commence the construction of said work within two years from the passage of this act, and complete the same within five years thereafter.

Commencement.

5. This act shall be in force from its passage.

CHAP. 176.-An ACT providing for opening and keeping in repair the county roads in the counties of Monongalia, Wetzel and Marshall. [Passed June 1, 1852.]

How and when commissioners be elected.

See resolutions, court of said county shall designate, one commissioner of roads for post, by which this act is amendroad commissioners. Elections, how conducted. Commissioners,

how qualified.

Road precincts, how laid off.

Surveyor of roads, how and when elected.

Election, where and when held, and how conducted.

When court to appoint surveyor. surveyor.

Vacancies, how filled.

1. Be it enacted by the general assembly, That the qualified voters of each district in the counties of Monongalia, Wetzel and Marshall, of roads for Mo-nongalia, Wetzel authorized by law to elect a commissioner of the revenue, be and they and Marshall to are hereby authorized and empowered to elect, separately, on the second are hereby authorized and empowered to elect, separately, on the second Monday in December next, and biennially thereafter, on such day as the

each of said revenue districts, whose term of office shall commence on

the first day of January next succeeding his said election, and continue Term of office of for two years thereafter. The elections for the said commissioners shall be conducted by the commissioners appointed to superintend the general elections for the said county of Monongalia, under the rules and regulations prescribed by law for conducting the same; and each of said commissioners of roads, when thus elected, shall, before entering on the discharge of his duties, take an oath, or make solemn affirmation before some justice of the peace of said county, well and truly, faithfully and impartially to do and perform the duties of his said office,

according to the best of his skill and judgment.

2. That the said commissioners of roads shall from time to time divide each of said revenue districts into convenient road precincts. and shall in writing report the same to the next county court, each of which shall continue a precinct, until in like manner a change thereof shall be made by said commissioners. 3. That after the county shall have been laid off into precincts as

before provided, the male laboring tithables resident in the several precincts, twenty-one years of age, shall once in every two years, from amongst themselves, elect a surveyor of roads for their respective precincts: the election to be held in the most public, convenient and central place in the precinct, and at such time as the commissioner of roads of that precinct may appoint, and under his supervision; of which election he shall give at least twenty days' previous notice by advertise-ment, at two or more public places in said precinct; and if no election be made, then the county court shall appoint the surveyor for the then

veyor.
Term of office of two years. Each surveyor so elected or appointed shall continue in office two years, unless, by death or removal from the precinct, his office shall be vacated; and in such cases, the commissioner of roads shall as soon as practicable give notice for an election to fill the vacancy; and if Fine on surveyor any person elected or appointed surveyor shall refuse to serve, he shall refusing to serve. forfeit ten dollars, to be expended on the roads in his precinct, recove-

rable by suit in the name of the county, for the use of the said precinct, before any justice of the peace.

4. That each male laboring tithable, not over sixty years of age, Who to work on shall work on the roads two days in every year, in the precinct in which roads, and how he resides, (and in no other,) when called on by the surveyor; and every Penalty for person so required to work under the surveyor so placed over him, who failure. shall fail to attend with proper tools for clearing the road, or shall refuse to work when there as a hand should do, or to find some other May employ male person equally able to work in his room, shall pay at the rate of substitute. seventy-five cents per day for each day or part of a day's failure: to be paid by himself, if a free man of full age; if an infant, then by his parent or guardian; and if a slave, then by his master. Said sums shall be paid to said surveyor, for the use of said precinct; and if not paid, Penalty, how remay be recovered by him before any justice of the peace, by suit as coverable.

aforesaid, in the name of the county, for the use of the precinct.

5. That if the labor of the tithables as aforesaid shall not in any one Road tax, how year be sufficient in any precinct to make and keep the public roads imposed. thereof in good repair, the commissioner of roads, in whose district such insufficiency may be, and the surveyor of the said precinct together (being first duly sworn for that purpose before some justice of the peace for said county) may levy as a road tax for such precinct, on all taxable Amount of tax, property in said precinct, any sum not exceeding the amount for that and on what imyear imposed thereon for state revenue; one-sixth of which shall be how paid. paid in money, and the residue in labor on the roads or in money, at the option of the persons upon whom such levy shall be imposed. Which Report of levy road levy the said commissioner and surveyor shall report to the next to court. monthly court, to be there entered on the minutes of said court; and if Provision, where the said property holders, or any of them, shall desire to pay their tax as tax is paid in aforesaid in labor, they shall work on the roads themselves, or by such labor. able bodied men as they may send, when thereto required by the surveyor, at the rate of seventy-five cents per day, as required by the tithables as aforesaid. The said surveyors shall collect all money payable Surveyors to colas aforesaid, and all the delinquencies or fines accruing under this act lect road tax and fines. in his precinct, and if necessary, may sue as aforesaid before any justice of the peace, or court for said county, as the jurisdiction may require, in the name of the county, for the use of the precinct; and each surveyor Settlement of shall be charged, in his annual settlement of accounts, with the full amount their accounts. of road levy of his precinct, unless when he shews, under oath, delinquents from whom the tax could not be collected, and all moneys and Road levy, how labor accruing in each precinct under the provisions of this act, shall be applied. applied to the use of the roads of the precinct, and the expenses incident thereto, and shall pay over to his successor any money in his hands at the expiration of his term: Provided, That all persons and property in Towns exempt incorporated towns which keep their streets in order and maintain their from road tax ewa poor, shall be exempt from all read tax and read labor.

6. That each surveyor, before entering on the duties of his office, shall Surveyors to

himself, with one or more good securities, execute and deliver to the give bond and county court a bond, payable to the justices of said court then sitting, in a penalty of two hundred dollars, conditioned for the faithful performance of the duties of his office, for the regular and full settlement of his accounts annually with said court, and the payment over to his successor of any moneys which he may have in his hands belonging to his precinct,

er which may be due from him thereto.

7. That each surveyor shall annually settle his accounts, verified by Surveyor's aceath, before the commissioner of whose district his precinct forms a counts, how setpart, under a penalty of thirty dollars, recoverable by action on his bond that. aforesaid, and shall return his settlement so made to the next monthly Return thereof court; and if such settlement shall not be returned within one year from to court. the time he qualified, or within a year from his last settlement, then the penalty aforesaid shall be deemed and taken to have accrued; and if Penalty on comthe commissioner shall fail to attend to such settlement when thereto resettling survey-quired, he shall forfeit a penalty of ten dollars, to be collected as afore-or's accounts. said; and in case of such failure, said surveyor may apply to the county court, before whom he shall settle, and report his settlement so made to said court.

8. That when any person or persons shall make application to the

How new roads opened, or old ones altered.

county court to have a new road opened or a former road altered for the convenience of traveling to the courthouse, to any public warehouse, landing, ferry, mill, coal mine or other public place, or when the court itself shall conceive the opening or altering a road to be expedient, then the court shall refer such application or such order of its own to the commissioners, or any one or more of the commissioners of roads of the county, who shall view the ground along which such road is proposed to be constructed, and report to the said county court truly and impartially the conveniences and inconveniences, advantages and disadvantages that will result as well to individuals as to the public, if such road shall be opened; and where the application or order is to open a former road. they shall also view the former road, and report in like manner thereupon. In all cases, the said commissioners shall report particularly the distance, graduation of the road, kind of ground, probable expense of opening, altering or repairing the same, the number of bridges and causeways that may be necessary, the kind, dimensions and expense of erecting them, and as far as they are enabled to do, the claims of individuals to compensation or damages, exhibiting the names of such individuals, the dissenting and neutral, and also any other matter they may deem pertinent. The said commissioners shall not be confined to routes or alterations applied for, but shall be at liberty to examine others, and report in favor of any which they may deem most eligible, stating the reason for such preference, and furnishing the court in this, as in all other cases whatever, a map or diagram of the routes or alterations applied for, examined and reported on. Should no one of the commissioners be a surveyor, they shall be at liberty to procure one, whose compensation shall not exceed one and a half dollars per day for the whole

time in which he shall be actually employed in making the survey and

diagram, to be paid by the party on whose application the commissioners

Report of road commissioners.

May employ a surveyor. His compensation.

How paid.

Summons to owners of land to shew cause against opening or altering road.

damnum, how obtained. Proceedings. thereon.

acted, or by the county court, if they acted upon its order. 9. That upon the report of the said commissioners, (to be made without delay,) if the court shall be of opinion that the road applied for will be of general use and advantage, or is actually necessary for any freeholder, they shall order summonses to be issued to the proprietors and tenants of the lands through which the same is proposed to be constructed, if they be within the county, and if not, then to their agents therein. (if any they have,) to shew cause why such road should not be opened. Writ of ad quod Upon the return of which summons, if any proprietor or tenant desire, the said court shall order their clerk to issue a writ of ad quod damnum. to he directed to the sheriff, commanding him to summon and impannel twelve able and discreet freeholders of the vicinage no way related to either party, to meet at some certain place on the ground through which the road is proposed to be constructed, and on a certain day, to be named by the court and inserted in the same writ, of which notice shall be given by the sheriff to the said proprietors, tenants or agents, (as before directed,) if they were not present in court at the time the order was made; which freeholders shall be charged by the sheriff impartially and to the best of their skill and judgment to view the lands through which the said road is proposed to be constructed, and say what damage it will be to the several and respective proprietors and tenants who desired such writ, taking into estimation as well the use of the lands to be laid open, the additional fencing which will thereby be rendered necessary, as the benefits and advantages which the said proprietors and tenants will derive from the said road; and if the said inquest cannot be completed in one day, the sheriff shall adjourn the said jurors from day to day until the same be completed; which inquest, sealed by the said jurors, together with the writ, shall be returned to the court, who thereupon, as well as upon other evidence, shall proceed to consider whether (all the circumstances being weighed) it be better that the said road be opened; and if they be of opinion that the same shall be opened, they shall at their next county levy put therein the damages so found and the cost of such inquest, together with the petitioners' costs in court, except the surveyor's charges, and direct them to be paid to those respectively entitled thereto. But if they shall be of opinion that the said road ought Costs, when adnot to be opened, all the costs shall be adjudged against the party apply judged against for ing for the same. But it shall not be lawful for the court to order a road road. to be opened through any lot of land in any town, without the consent Roads not to be

of the owners or tenants thereof.

lots in towns. 10. In estimating the private damages arising from additional fencing, Gates, when to the jury shall consider and report whether the damages could be less- be put on roads. ened, and how much, in case a gate were allowable to the party complaining, and allowed by the court to be erected on the road; and the court shall have power to authorize a gate or gates to be put on such roads as they may deem proper; and the court may authorize and direct When private such roads as they may deem of merely private convenience, to be opened roads may be and kept in repair by the person or persons for whose convenience they paired by indiviare desired.

11. That the county court shall have power to discontinue any public or Discontinuance private road as aforesaid, whenever the same shall cease to be necessary. of roads. Any person intending to apply for the discontinuance of any road, shall Notice thereof. give at least one mouth's notice, by advertising the same at the door of the courthouse, and at some two or more public places in that precinct. On application to the court for discontinuing a road, the said court shall Application rerefer such application to the commissioner of roads as before directed, ferred to road who, being aworn, shall view the same, and on their oaths say whether in Their report.

their opinion any, and what public or private inconvenience will result from discontinuing the same; and upon the report of said commissioners in writing, the said court shall thereupon, as well as upon other evidence, have full power to keep open or discontinue the said road: Provided, That nothing in this act shall be construed to authorize the county court to discontinue any public post road without substituting another in its place, ner to abridge or alter the power of discontinuing roads, by substituting others in lieu thereof. 12. That every surveyor of a road shall cause the same to be con-Roads, how to be stantly kept well drained, cleared and smoothed, and thirty feet wide at kept. the least, unless the court shall, by order of record, authorize a less width, or unless on steep hill sides, where they shall be at least twelve feet wide; and at the fork or crossing of every great leading public road, Index to noted shall cause to be erected and kept in repair, from time to time, an index places to be set on a post or tree, with plain inscriptions thereon in large letters, direct-up.

ing to the most noted place to which each of said roads shall lead. And when small bridges and causeways are necessary, the said surveyor shall Bridges and cance them to be made twelve feet broad at least, convenient and safe, causeways to be and shall keep the same in repair; and for that purpose may cut and How materials take from the adjoining lands of any person such and so much timber, obtained there earth or stone as may be necessary, the same being first valued upon for. eath, by two honest housekeepers appointed for that purpose by a justice of the peace, (unless the owner shall freely give such timber, earth er stone for that use,) the value of such timber, earth or stone assessed Assessment of as aforesaid, to be paid by said surveyor out of the road funds of his damages there-precinct; and in like manner, any damage which shall accrue, by cutting for. distribes or making dams, shall be assessed and paid for in the same

manner. 13. That when a bridge or causeway is necessary in any precinct, or When court to between adjoining precincts, and it is not practicable for the surveyor or contract for eveyors thereof, with his or their assistants, to build or repair the same, causeways. the county court is hereby empowered and required to contract for the building or repair of such bridge or causeway by public outcry, letting the same to the lowest and best bidder, and to levy the charge thereof Levy therefor. in the next county levy, on the property taxed for state revenue, not excooding in any one year fifty per centum on the amount imposed thereon

for that year for state revenue.

14. When such a bridge is thought to be necessary, the county court, Road commisa petition, shall direct the commissioners of roads to view and examine sioners to view the site or repairs desired; and upon their report as well as upon other for bridge. stimony, the court (a majority of the acting justices being present, or all having been summoned for that purpose) may order or refuse such

bridge; and if the court shall order such a bridge to be built or repaired. they shall then appoint the said commissioners of roads to contract for the same as aforesaid.

How hands teams and implements may be employed for roada.

surveyor.

Pay to road commissioners.

Surveyors pre-

Act to be submitted to people for acceptance.

take place.

15. That each surveyor of roads may employ and pay for, out of the road fund in his hands, all necessary hands, teams and implements to aid in making and repairing the roads in his precinct, and for all the time which the surveyor may devote to his duties as surveyor of roads, he Compensation to shall be allowed a credit in his annual account, at the rate of seventy-five cents per day, for his said services; but the whole amount of credits thus

allowed to any one surveyor shall not exceed the sum of twenty dollars in any one year. The commissioners of roads shall be paid for their services such compensation as the county court may deem reasonable, to be paid out of the county levy.

16. That the said surveyors of roads shall be liable to presentment entable and fine. and fine, (as is now prescribed by law,) by the county or circuit court for the county, for failing to keep his roads in repair, as by this act required: Provided, That at the time of so failing to keep his roads in repair, he shall not have expended the moneys and labor of his precinct.

17. This act shall be in force from and after the time of obtaining the assent of a majority of the qualified voters of Monongalia county thereto. See post. Reso And the commissioners appointed to superintend the general elections in said county are hereby authorized and required to open a poll, on the When election to first Tuesday in November next, at the several places of voting therein, for the purpose of ascertaining the sense of the said voters in regard to the acceptance or rejection of the provisions of this act.

> CHAP. 177.—An ACT to incorporate a company to construct a turnpike road from the Fancy gap road, by Penn's store, to the Henry line. [Passed May 31, 1852.]

Subscriptions, where and by whom taken.

1. Be it enacted by the general assembly, That it shall be lawful for Martin Cloud, Nathaniel H. Scales, John W. Gates, James Soyers, Greensville Willis, John Boyd and George Smith, and such other persons as any four of the above named persons shall appoint, each to open books at such times and places as each of them may think proper, for the purpose of receiving subscriptions to a joint capital stock, not excceding in the whole the sum of twelve thousand dollars, to be divided into shares of ten dollars, for the construction of a turnpike road from a point at or near the Fancy gap in Patrick county, through the Hollow portion of said county, by Penn's store, to the Henry line.

Route of road.

Cauital.

Fancy gap turnpike company incorporated.

Regulations.

2. When two hundred shares of the said capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and they are hereby incorporated into a company by the name and style of "The Fancy Gap Turnpike Company," subject to the provisions of the Code of Virginia on the subject of turnpike companies and their roads, except so far as the same shall be in conflict with this act.

Commencement.

3. This act shall be in force from its passage.

CHAP. 178.—An ACT amending the act incorporating the Blue Ridge turnpike company, passed March 25th, 1848.

[Passed May 29, 1852.]

Stone to be broken on road.

1. Be it enacted by the general assembly, That the president and directors of the Blue Ridge turnpike company be and are hereby authorized (if they shall deem it advisable) to have the stone, intended for repairs, broken upon the road of the said company.

Tolls.

2. Be it further enacted, That the president and directors of said company be and are hereby authorized (if they shall deem it advisable) to apportion the tolls chargeable on the road of the said company, so as to charge for half sections, and also to charge only half price for return wagons and carts.

Penalty for failing to pay legal

3. And be it further enacted, That if any person or persons claiming or availing themselves of the privilege of the short tolls which may be prescribed under the provisions of this act, and shall have traveled or shall travel a greater distance upon said road than that paid for, the toll-gatherer, or any one of the directors or officers of the said company, may. by warrant before any justice of the peace within this commonwealth, recover from such person or persons five dollars with costs, for How recovercesh offence, to be applied to the use of the company.

4. This act shall be in force from the passage thereof.

Commencement.

CHAP. 179.—An ACT amending the second section of the act incorporating the Blue Ridge turnpike company.

[Passed May 1, 1852.]

1. Be it enacted by the general assembly, That the second section of when Blue the act incorporating the Blue Ridge turnpike company, passed March Ridge turnpike twenty-fifth, eighteen hundred and forty eight, be and the same is hereby porated. so amended as to read as follows: When eighteen hundred shares shall see Acts 1847-8, have been subscribed, the subscribers, their executors, administrators p. 207. and assigns shall be and are hereby incorporated into a company by the same and style of "The Blue Ridge Turnpike Company," subject to Regulations. the provisions of the fifty-seventh and sixty-first chapters of the Code of Virginia, so far as they are applicable: Provided, That said company Road, how conshall be at liberty to dispense with a summer or side road to their turn-structed. pike, and that they shall not be compelled to macadamize that part of their road which will be on the Blue Ridge of mountains or spurs thereof on either side: And provided also, That said company shall have the authority to dispense with macadamizing any other part or parts of said road which they may deem best for the interest of said company. The said road shall be improved nineteen feet wide in difficult places, and shall in no place be less than sixteen feet wide.

2. This act shall be in force from its passage.

Commencement

CMAP. 180.—An ACT to incorporate the Glade creek and Cloverdale turnpike company.

[Passed May 11, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to open Subscriptions, books at Bonsack's & Kiser's store in the county of Botetourt, under the whom taken. The direction of Benjamin F. Moorman, D. C. Kiser and William S. Minor; at Amsterdam, under the direction of William Hutcheson, William M. Radford and Col. John H. Kelly; and at Fincastle, under the direction of Francis T. Anderson, W. E. M. Word and Thomas C. Lancaster, or any one of them—at any one of those places for receiving subscriptions, to an amount not less than one nor more than three thousand dollars, in Capital. stares of twenty-five dollars each, for the purpose of constructing a turnpike road from the Virginia and Tennessee railroad at or near the lands Route of road of Benjamin F. Moorman, John W. Thompson's estate, and to terminate at or near the old Cloverdale furnace on the Big Lick and Fincastle turnpike.

2. When forty shares or one thousand dollars shall have been sub-Glade creek and scribed, the subscribers, their executors, administrators and assigns shall Cloverdale turn be and are hereby incorporated into a company by the name and style of incorporated. The Glade Creek and Cloverdale Turnpike Company," subject to the Regulations. provisions of chapters fifty-seven and sixty-one of the Code of Virginia:

Previded, That said company shall not be compelled to open and clear Road, how constituted more than thirty feet, and construct the same more than twelve structed.

leet wide.

3. This act shall be in force from its passage.

Commencement.

CEAP. 181.—An ACT to incorporate the Junction turnpike road and Bridge company in the county of Botetourt.

[Passed May 11, 1852.]

L. Be it enacted by the general assembly, That it shall be lawful to open Capital. books of subscription to an amount of stock not exceeding seven thousand dollars, in shares of fifty dollars each, to constitute a capital stock for constructing a bridge across James river and a turnpike road in said Location of county of Botetourt, to commence at or near the Junction store, and to pike.

cross James river by the bridge aforesaid, near Matthew W. Pettigrew's, and thence down James river, until said road intersects the Dibrell's springs and Buchanan turnpike road.

Subscriptions, by taken.

2. The said books shall be opened, at Junction store in Botetourt whom and where county, under the superintendence of Mathew W. Pettigrew, James M. Jones, Ferdinand Boothe, Samuel C. Robinson and Andrew K. Crawford, or any three of them; at Salt Petre Cave, under the superintendence of John Gooden, Joseph R. Mays, Joseph McClure, Robert Kyle and Allen Biggs, or any three of them; at Buchanan, under the superintendence of William M. Boyd, John S. Wilson, William M. Lackland, William H. Anthony and Charles T. Beale, or any three of them.

3. When as much as one hundred shares of stock are subscribed, the

subscribers, their executors, administrators and assigns shall be incorpo-

Junction turnpike company incorporated.

President and directors. Regulations.

Road, how constructed.

rated into a company by the name and style of "The Junction Turnvike Company," with full powers to elect a president and five directors from among the stockholders in said company, for the management of the affairs of said company, and to be subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia, so far as the same may be applicable to this charter: And provided, That said company be not required to make a summer or side road, and that the said road shall be at least seventeen feet wide except in difficult side grades, where the width may be reduced to fifteen feet and its grade nowhere exceed

Tolls over bridge and road.

five degrees. 4. That said company, so soon as a safe and well contructed bridge is made over said river and said turnpike road fully made and completed, according to the provisions of this charter, shall be permitted to receive and collect the following tolls for crossing said bridge and traveling over said road, to wit: Ten cents for every twenty sheep or hogs; thirty cents for every twenty cattle; and so in proportion for a less or greater number; ten cents for every horse, mare, mule or gelding; thirty cents for a two wheel riding carriage; fifty cents for a four wheel riding carriage; and for a cart or wagon, if the wheels are not more than four inches wide, fifteen cents for each animal drawing it; and if the wheels are more than four and less than seven inches wide, ten cents for every such animal; and if the wheels are more than seven inches wide, five cents for every such animal; and for every individual crossing said bridge as a foot passenger, six cents.

Engineer to locate road.

5. Said company shall have full power to employ an engineer to locate said road.

CHAP. 182.—An ACT to incorporate the Centreville and Peters' mountain turnpike company.

[Passed May 22, 1852.)

Route of road.

1. Be it enacted by the general assembly, That for the purpose of constructing a turnpike road from the town of Centreville in the county of Monroe, crossing Peters' mountain, to some point on the Price's turnpike and Cumberland gap road, between Snidow's and Chapman's ferry and Philip Lybrook's in the county of Giles, it shall be lawful to open books for receiving subscriptions, to an amount not exceeding twelve thousand dollars, divided into shares of twenty-five dollars each, to constitute a joint stock company. The said books shall be opened in the town of

Centreville, under the superintendence of Robert L. Shanklin, Anderson McNeer, Samuel C. Humphreys, Shannon Butt, James Vawter, Riley B. Cook and Isaac Frye, or any two of them; at Philip Lybrook's in Giles county, under the superintendence of Philip Lybrook, John Ly-

Capital.

Subscriptions,

where and by . whom taken.

brook, William H. Snidow, Jacob Snidow and John S. Peck, or any two of them. Centreville and 2. When one hundred and twenty shares of the capital stock shall Peters' mountain turnpike com-

pany incorpo-Regulations.

Road, how constructed.

have been subscribed, the subscribers, their personal representatives, shall be and are hereby incorporated into a company, by the name and style of "The Centreville and Peters' Mountain Turnpike Company," conformably to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia: Provided, That said company shall not be required to make a summer or side road, nor to cover their road with stone or gavel, and the said road shall be cleared not less than thirty feet wide, and constructed not less than fifteen feet wide, and that its grade shall nowhere exceed four degrees.

3. This act shall be in force from its passage.

3. This act shall be in force from its passage.

Commencement.

CHAP. 183.—An ACT concerning the Price's gap turnpike and Cumberland gap road.

[Passed April 22, 1852.]

1. Be it enacted by the general assembly. That the county court of Change in loca-Giles county is hereby empowered to make such change in the location tion of Price's of that part of the Price's gap turnpike and Cumberland gap road, which passes through the land of James Adair in said county, as to the said court may seem proper.

2. Before said court shall make any such change, all the proceedings Proceedings to as far as applicable, which are required by the Code of Virginia, relative obtain such

to opening or altering a county road, shall be had in the premises.

Commencement.

Case. 184.—An ACT to authorize the construction of the Wolf creek turnpike road in Giles and Tazewell counties.

[Passed May 11, 1852.]

1. Beit enacted by the general assembly, That it shall be lawful for John Subscriptions, D. Peery, John C. Carpenter, Peter H. Dills, James M. Compton, James where and by D. Peery, John C. Carpenter, Peter H. David Halo Lange Franch whom taken. Burton, Thomas Hale, Lorenzo D. Hale, Daniel Hale, Isaac French, Thomas S. Carnahan, Thomas J. Boyd, Isaac Hale, Guy D. French, David M. French, Rufus A. French and Reuben F. Watts, and such other persons as any three of the above named persons shall appoint: each to open books at such times and places as each of them may think proper, for the purpose of receiving subscriptions to a joint capital stock not exceeding in the whole the sum of fifteen thousand dollars, to be di-Capital. vided into shares of twenty dollars each, for the construction of a turnpike road from the Price's turnpike and Cumberland gap road, at or near Route of road. the mouth of Wolf creek in Giles county, and up the valley of said creek to some suitable point of the Tazewell courthouse and Fancy gap turnpike in Tazewell county.

2. When one hundred shares of the said capital stock shall have been wolf creekturn subscribed, the subscribers, their executors, administrators and assigns pike company shall be and are hereby incorporated into a company by the name and Tyle of "The Wolf Creek Turnpike Company," subject to the provisions Regulations. of the Code of Virginia on the subject of turnpike companies and their mads, except so far as the same shall be in conflict with this act. The Road, how conwidth of said road shall not be less than sixteen feet, exclusive of side structed. diches, and the grade thereof shall not exceed four degrees at any point.

3. This act shall be in force from its passage.

Commencement.

Calp. 185.—An ACT to authorize the construction of the Wytheville and Grayon turnpike, and to make branches thereof to the lead mines in Wythe county and to Hillsville in Carroll county.

[Passed April 12, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful for An- Subscriptions, drew S. Fulton, Ephraim McGavoch, Robert Kent, Gustavus A. Crock-where and by ett, Thomas J. Boyd, Alfred C. Moore, Alexander Pierce, George Kin-whom taken.

Canon, Guy F. S. Trigg, James Kincanon, Francis E. Kincanon, William Chatwell, Robert Holliday, Samuel McCamant, James Anderson, junior, Francis A. Crocketta William Dickenson, James Waugh, Ezra Niekoll, Fielding I. Hele, John P. Mischell, Belegar J. Lucy William Nockolls, Fielding L. Hale, John B. Mitchell, Robert Johnson, William indsey, William H. Cook, Madison Carter, Charles L. Dawson and William C. Thornton, and such other persons as any three of the above tamed persons shall appoint: each to open books at such times and Paces as each of them may think proper, for the purpose of receiving subscriptions to a joint capital stock not exceeding in the whole the sum Capital. of twenty thousand dollars, to be divided into shares of twenty-five dol-

Ronte of road.

lars each, for the construction of a turnpike road from a point at or near Wytheville in Wythe county, by the Grayson Sulphur springs and the old courthouse of Grayson county, to the North Carolina line at or

Wytheville and Grayson turnpike company incorporated. Regulations.

near Fisher's gap in Grayson county. 2. When one hundred shares of the said capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a company by the name and

Road, how constructed.

Branch roads authorized.

style of "The Wytheville and Grayson Turnpike Company," subject to the provisions of the Code of Virginia on the subject of turnpike companies and their roads, except so far as the same shall be in conflict with this act. The width of the said road shall not be less than sixteen feet, exclusive of side ditches, and the grade thereof shall not exceed four degrees at any point. The said company shall also have power and authority to construct a branch road from some suitable point of their said road in Wythe county to the lead mines in said county; and also a branch road from a point at or near the Grayson Sulphur springs Increase of capt to Hillsville in Carroll county, or in the direction of said town; and for the purpose of making said branches, the said company shall have the power and authority to make such increase of their capital stock as may Construction of by them in general meeting be deemed necessary. Said branches shall not be of less width nor of higher grade than is prescribed above for the main road.

tal to make branches.

branches.

Commencement.

3. This act shall be in force from its passage.

CHAP. 186.—An ACT authorizing the appointment of directors to construct the Walker's creek and Holston turnpike.

[Passed May 3, 1852.]

Directors, how appointed.

1. Be it enacted by the general assembly, That when the provisions of an act entitled "an act to incorporate the Walker's creek and Holston turnpike company," passed February the fourth, eighteen hundred and forty-eight, as revived and amended by an act passed March the twenty-fifth, eighteen hundred and fifty-one, in relation to subscriptions to the stock of said company, have been complied with, the county court of each of the counties through which said road shall pass, having made such subscription, or on behalf of which subscription has been or shall be made by the county wholly, or partly by the county and partly by individuals, or wholly by individuals, shall be authorized to appoint one director, who, together with the three directors to be appointed by the Board of public works, on behalf of the state, shall constitute a the Board of public works, on behalf of the state, shall constitute a Powers of directors, with all the authority and powers conferred upon said company and its board of directors by the aforesaid acts; and it shall not be necessary to organize the company contemplated by said acts, but the same shall be supplied by the board of directors herein provided for.

State directors.

And when more than two directors shall be appointed by counties, as herein provided, the Board of public works shall, on behalf of the state, appoint a number of directors exceeding by one the number of directors appoints a property of the state, appoint a number of directors appoint a number of directors exceeding by one the number of directors. appointed by counties. But nothing herein contained shall be construed to extend the time within which the construction of said road shall be commenced, as limited by the aforesaid act passed March the twenty-fifth, eighteen hundred and fifty-one, or the Code of Virginia, from the passage of that act.

Time for commencing road not extended.

2. This act shall be in force from its passage.

Commencement.

CHAP. 187.—An ACT to amend the act passed March 4th, 1851, providing for the construction of the Mechanicksburg and Wythe turnpike, so as to authorize a change of terminus of said road in Wythe county, and an extension of the same.

[Passed April 20, 1852.]

Subscriptions, by taken. p. 87.

1. Be it enacted by the general assembly. That the third section of whom and where an act, entitled "an act to amend an act, entitled an act providing for See Acts 1850-51, constructing a railroad from the Giles, Fayette and Kanawha turnpike in Raleigh to the North Carolina line in Grayson county,'" passed March fourth, eighteen hundred and fifty-one, shall be re-enacted and

amended, so as to read as follows: It shall be lawful for John C. Graham, Joseph J. Graham, Samuel R. Crockett, James A. Graham, John C. Crockett, Joseph H. Holston, Thompson S. Crockett, Daniel Hoge, James Hoge, junior, Josiah Bruce, Samuel Wohlford, Joseph Wohlford, Andrew J. Nye, William H. Howe, William Mustard, William Bane, Addison Davis, Madison Allen, Elias Harman, John M. Neel, John N. Crockett, Montgomery Baker, Allen T. Crockett, Edward Walker, Charles L. Crockett, Napoleon B. French, Thomas Hale, William N. Harman, Hugh French, Lorenzo D. Hale, Reuben Garrison, William II. French, Thomas J. Boyd, Alexander Mahood, David Hall and Charles Caffee, and such other persons as any three of the above named persons shall appoint: each to open books at such times and places as each of them may think proper, for the purpose of receiving subscriptions to a joint capital stock of five thousand dollars, to be divided into shares of twenty- Capital. five dollars each, for the construction of a turnpike road from Mecha-Route of road. nicksburg in Giles county to the east end of the Cove in Wythe county, and through said Cove to some convenient point of the Raleigh and Grayson turupike at or near Allen T. Crockett's house in said Cove.

The company named in the fourth section of the above recited act Extension of shall also have authority to extend their said road from the town of Me-road. chanicksburg, by the most practicable route, across the Wolf creek and East river mountains, to the Cumberland gap turnpike at or near Napoleon B. French's house in Mercer county, and thence to Princeton, with a branch from some suitable point of said road to the Princeton and Branch road. Red Sulphur turnpike in the direction of the Mercer salt works; and for the purpose of completing said road with the said extension and branch, the said company shall be authorized to increase their capital stock by Increase of cathe additional sum of fifteen thousand dollars, to be divided into shares pital. of twenty-five dollars each, making the whole capital stock of said company a sum not exceeding twenty thousand dollars, including said additional sum; but the Board of public works shall not subscribe on behalf Subscription by of the state for any part of said additional sum of fifteen thousand dol. state, how exlars, nor shall any part of the amount subscribed for by the Board of pended. public works by the provisions of the said fourth section of the above recited act, be expended except in the construction of the part of said road between Mechanicksburg and the terminus thereof at or near Allen T. Crockett's house aforesaid.

3. The said road shall not be less than sixteen feet wide, exclusive of Road, how conside ditches, nor shall its grade exceed four degrees at any point. The structed. persons authorized by the first section of this act to open books and receive subscriptions for the road named in said section shall have the same authority for the aforesaid extension and branch.

4. This act shall take effect from its passage.

Commencement

CHAP. 188.—An ACT authorizing the construction of the Washington turnpike. [Passed May 24, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful for R. Subscriptions, B. Edmondson, Nickerson Snead, J. H. Ernest, Valentine Rosenbaum, by whom and B. Edmondson, Nickerson Back, Lohn Weight, Samuel Dunn where taken. A. B. Kelly, E. A. Robinson, Peter Mock, John Wright, Samuel Dunn, Arthur Hutton, Tobias Smith and Abram S. Orr, and such other persons as any three of the above named persons shall appoint: each to open books at such times and places as each of them may think proper, for the purpose of receiving subscriptions to a joint capital stock not exceeding in the whole the sum of eight thousand dollars, to be divided Capital. into shares of twenty-five dollars each, for the construction of a turnpike road from a point at or near the house of John Wright in Washing-Route of road ton county to the most eligible point of the Virginia and Tennessee rail road between the houses of Arthur Hutton and Tobias Smith.

2. When eighty shares of the said capital stock shall have been sub- washington scribed, the subscribers, their executors, administrators and assigns shall turnpike combe and are hereby incorporated into a company by the name and style rated. of "The Washington Turnpike Company," subject to the provisions of the Code of Virginia on the subject of turnpike companies and their

directors may, from the delay occasioned by the erection of bridges and difficult passes in any particular section, direct otherwise.

Present roads may be used by company.

5. Be it further enacted, That parts or portions of the present public roads and highways in the county of Fairfax, through which the said plank road may run, may be taken and used by the said company to construct their road upon: Provided, That the county court of Fairfax shall consent thereto and so direct by an order of said court.

County court of Fairtax to consent. Time for commencing and

6. The said company shall commence the construction of said road within three years from the passage of this act, and shall complete the completing road. same within five years thereafter.

Commencement.

7. This act shall be in force from its passage.

CHAP. 169.—An ACT to amend and re-enact an act, entitled "an act to incorporate the Fairfax and Potomac plank road company."

[Passed April 27, 1852.]

Route of road. See ante, c. 162.

1. Be it enacted by the general assembly, That the act passed the twenty-fourth day of February, eighteen hundred and fifty-two, entitled "an act to incorporate the Fairfax and Potomac plank road company," be re-enacted and amended, so as to read as follows, to wit: That for the purpose of constructing a plank road from the town of Providence in the county of Fairfax to some point on the Potomac river, it shall be lawful to open books to receive subscriptions of capital stock, to an amount not exceeding sixty thousand dollars, to be divided into shares of twenty-five dollars each. Such books shall be opened at Fairfax courthouse, under the superintendence of George W. Hunter, Thomas R. Love, F. D. Richardson, Noah Deyo, Jared Meade, James Hunter. William T. Rumsey, Alfred Moss and Thomas Moore, or any two of them, and at such other places and under the superintendence of such agents as a majority of the above named commissioners may appoint.

Subscriptions, where and by whom taken.

Capital.

Company incorporated.

Name. Regulations.

Road, how constructed.

2. When eight hundred shares of stock have been subscribed, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated and made a body politic and corporate by the name and style of "The Fairfax and Potomac Plank Road Company;" and shall be invested with all the rights and privileges, and be subject to all the restrictions and regulations, so far as they are applicable, prescribed by chapters fifty-seven and sixty-one of the Code of Virginia: Provided. That said road shall be graded at least twenty feet wide, and be constructed with plank at least eight feet wide, and that said road shall nowhere exceed a grade of three degrees.

Bridge or viaduct across Potomac.

3. For the purpose of continuing said road to the District of Columbia, it shall be lawful for the said company to construct a toll bridge or other viaduct across the waters of the Potomac river, within Navigation notto the jurisdiction of this state; but such bridge or viaduct shall be so constructed as not to obstruct the navigation of said river.

be obstructed.

Road, where to be commenced and how progressed with.

4. The said company may commence the construction of the said road at any point upon the line thereof deemed most advantageous, and proceed with the same, by regular continuous sections, except when, owing to delay occasioned by the erection of bridges or by the construction of difficult portions of any particular section, the said company shall direct otherwise.

How public roads may be

used by com-

pany.

5. That if the county court of Fairfax shall consent thereto, and so direct, said company may take and use, for the purposes of said road. such portions as may be required of the public roads and highways of said county of Fairfax.

Time for com-

6. The said company shall commence the construction of said road completing road. same within five years thereafter. within three years from the passage of this act, and shall complete the

7. This act shall be in force from its passage.

CHAP. 170.—An ACT to incorporate the Farmville and Buckingham plank road company.

[Passed May 22, 1852.]

Capital.

1. Be it enacted by the general assembly, That it shall be lawful to open books for receiving subscriptions to an amount not exceeding seventy-

five thousand dollars, to be divided into shares of fifty dollars each, to Route of road. constitute a joint capital stock for constructing a plank road from Farinville in the county of Prince Edward, running through a portion of the counties of Prince Edward and Cumberland, in the direction of Buckingham courthouse, to some point in said county of Buckingham, to be fixed upon after the proper estimates and surveys have been made. The said Subscriptions, books shall be opened in the town of Farmville, under the superinten-where and by dence of Edward W. Hubbard, William M. Moseley, George W. Daniel, whom taken. Francis P. Wood, Jacob W. Morton, James W. Dunning and Walter H. Middleton, or any three of them; and at such other places and under the superintendence of such agents as a majority of the said commissioners at Farmville may appoint.

2. When five thousand shares of the stock shall have been subscribed, Company incorthe subscribers, their executors, administrators and assigns shall be in-porated. corporated into a company by the name and style of "The Farmville Name; regularing Buckingham Plank Road Company," agreeably to the provisions tions. of the fifty-seventh and sixty-first chapters of the Code of Virginia:

Provided, That the said road shall be graded at least twenty feet wide, Road, how conand constructed with plank at least eight feet wide, and that its grade structed. shall nowhere exceed four degrees.

3. The said company shall commence the construction of said road at Road, where

the town of Farmville, and proceed with the same by regular continuous commenced and sections, except in such cases as the president and directors may, from with. the delay occasioned by the erection of bridges and difficult passes in any particular section, direct otherwise.

4. The parts or portions of the present public roads and highways in Use of public the counties aforesaid, through which the said plank road may run, may roads granted to be taken and used by said company to construct their road upon: Provided, That the county court of the county in which such public road or highway may be shall consent thereto, and so direct by an order of said

5. The said road hereby authorized to be constructed shall be com- Time for commenced within two years from the passage of this act, and shall be com-mencing and pleted within five years thereafter.

completing road.

6. This act shall be in force from its passage.

Commencement

CHAP. 171.—An ACT to incorporate the Marysville plank road company. [Passed May 13, 1252.]

1. Be it enacted by the general assembly of Virginia, That it shall be Subscriptions, lawful to open books at Charlotte courthouse, under the direction of where and by George W. Read, Wyatt Cardwell, William T. Scott, John Booker, Thomas E. Watkins and Richard I. Gaines, any three of whom may act, for the purpose of receiving subscriptions to an amount not exceed- Capital. ing twenty-five thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock for constructing a plank road from Charlotte Route of road. courthouse to the Richmond and Danville railroad at some point between Keysville and Overby's store in said county.

2. Be it further enacted, That whonever a majority of the stockholders Extension of of said company deem it advisable, it shall be lawful to continue said road to Cub road from Charlotte courthouse to some point on Cub creek within said creek.

county of Charlotte.

3. When two hundred shares or ten thousand dollars of the capital Marysville plank stock have been subscribed, the subscribers, their executors, administra-road company tors and assigns shall be and are hereby incorporated into a company by the name and style of "The Marysville Plank Road Company," sub-Regulations. ject to the provisions of the sixty-first chapter of the Code of Virginia, so far as it may be applicable to this road: Provided however, That this Road, how concompany shall not be required to construct, unless a majority of stock-structed. holders so determine, any summer or side road: Provided also, That the when tolls may said road shall not be graded more than twenty nor less than fifteen feet be demanded. wide, and laid with plank at least eight feet wide, and the grade to be such as a majority of said company of stockholders may determine upon: And provided also, That whenever two-thirds of the said road from the

Subscriptions, where and by whom opened.

2. The said books shall be opened at the Fauquier White Sulphur springs, under the superintendence of Jones Green, William McNish and Fielding Allen, or any two of them, and at such other place or places, under such agents as any two of the above named commissioners shall appoint.

Beale's Station company incorporated. Regulations.

3. When two thousand dollars shall have been subscribed, the subscriand Springs road bers, their executors, administrators and assigns shall be and they are hereby incorporated into a company by the name and style of the "Beale's Station and Springs Road Company," subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia: Provided, That said company shall not be required to pave or cover its road with stone or gravel, or make a side road, and that the grade shall not exceed five degrees, or the road be less than sixteen feet wide.

Road, how constructed.

4. This act shall be in force from its passage. Commencement.

> CHAP. 196 .- An ACT authorizing the county court of Fauquier to receive the second section of the Leeds' Manor turnpike company.

> > [Passed May 29, 1852.]

When section of road may be re-ceived by court of Fauguier.

1. Be it enacted by the general assembly of Virginia, That the county court of Fauquier county, on the application of the Leeds' Manor turnpike company, shall have authority to proceed, under the provisions of section eight, chapter sixty-one of the Code of Virginia, to receive the second section of the said turnpike, if five miles of the same shall have been completed, whether the same be continuous or otherwise.

Commencement.

2. This act shall be in force from its passage.

CHAP. 197.—An ACT to amend the charter of the Thornton's gap turnpike company.

[Passed March 8, 1852.]

Thornton's gap turnpike com pany incorpo-rated. See Acta 1847-8, p. 207.

1. Be it enacted by the general assembly, That the second section of the act, entitled "an act to incorporate the Thornton's gap turnpike company," passed January nineteenth, eighteen hundred and forty eight, be amended and re-enacted, so as to read as follows: That whenever threefourths of the stock required to be subscribed by others than the commonwealth, shall have been subscribed by solvent persons fully able to pay, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a company by the name and style of "The Thornton's Gap Turnpike Company:" Provided, That said com-Road, how conpany may dispense with a summer or side road to their turnpike: And provided, That the same shall be constructed at least ten feet wide, and shall nowhere exceed a grade of four degrees. The said company shall have full power and authority, after grading any branch road which they may have heretofore constructed or may hereafter construct, to collect tolls upon such branch road or roads.

structed.

Tolks on branch roads.

Commencement.

2. This act shall be in force from its passage.

CHAP. 198.—An ACT incorporating the Gooney Manor turnpike company.

Capital.

Route of road.

[Passed May 24, 1852.] 1. Be it enacted by the general assembly, That it shall be lawful to open books for receiving subscriptions to an amount not exceeding five thou-

Subscriptions, where and by whom taken.

sand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock for constructing a turnpike road from Brown's or Updike's mills, (the western terminus of the Gravelly spring road,) to some convenient point on the Luray and Front Royal turnpike, between Front Royal and Gooney bridge, to be determined by the company hereinaster incorporated. The said books shall be opened at Front Royal, under the superintendence of Marcus B. Buck, Samuel Simpson, John B. Petty, John R. Jackson and Hanson Dorsey; and at Boyd's mill in the county of Warren, under the superintendence of William Woodward, John F. Boyd, Marcus B. Sandsburz, John W. Atwood and Stephen D. Boyd, or any three of them, and at such other places, under such other agents as any three of the above-named commissioners may appoint.

2. When forty shares of stock shall have been subscribed, the subscri- Gooney Manor bers, their executors, administrators and assigns shall be incorporated tumpike com-into a company by the name and style of "Gooney Manor Tumpike rated. Company," subject to the provisions and regulations prescribed by the Regulations. Code of Virginia: Provided, That the said company shall not be re-Road, how conquired to make a summer or side road to their turnpike, nor pave or structed. stone the same; that it shall be constructed at least sixteen feet wide, and that its grade shall nowhere exceed five degrees.

3. This act shall be in force from its passage.

Commencement

CHAP. 199 .- An ACT to incorporate the Hampshire Junction turnpike company. [Passed May 27, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to open Capital. books for receiving subscriptions to an amount not exceeding three thousand and six hundred dollars, in shares of twenty-five dollars each, to constitute a joint capital stock for constructing a turnpike road from Route of road. some point on the Northwestern turnpike road, between Patterson's creek and New creek in the county of Hampshire, to the Baltimore and Ohio railroad at Paddytown. The said books shall be opened at Trout Subscriptions, & Myers' store in Ridgeville, Hampshire county, under the superintend-where and by whom taken.

ence of John T. Pierce, Luke Kuykendall and Henry Trout, or any two of them.

2. When fifty shares of the said capital stock of the said company Hampshire shall have been subscribed, the subscribers, their executors, administra-pike company inters and assigns shall be and are hereby incorporated into a company by corporated. the name and style of "The Hampshire Junction Turnpike Company," subject to the provisions of chapters fifty-seven and sixty-one of the Regulations. Code of Virginia: Provided, That said company shall not be required Road, how conto make a summer or side road, nor to pave or cover their road with structed. stone or gravel, and shall not construct the same of less width than sixteen feet, and at a grade not exceeding four and a half degrees.

3. This act shall be in force from its passage.

Commencement.

CHAP. 200 .- An ACT to incorporate the Sandy Hook and Manassa's gap turnpike company. [Passed June 5, 1852.]

- 1. Be it enacted by the general assembly, That for the purpose of con-Route of road. structing a turnpike road from Saudy Hook in the county of Rappahannock, to some convenient point, to be selected by the company hereby incorporated, upon the Manassa's gap railroad, at or near Manassa's gap in the county of Fauquier, it shall be lawful to open books for recoiving subscriptions to an amount not exceeding eight thousand dollars, Capital. to constitute a joint capital stock, divided into shares of thirty dollars each.
- 2. The said books shall be opened at Manassa's gap, under the superin- Subscriptions, tendence of James D. Hall, Andrew Saffell, James K. Marshall, jr. and where and by John R. Feagans, or any two of them; at Sandy Hook, under the super-intendence of Bushrod W. Myers, Samuel Chancellor, James W. Day and John Downing, or any two of them; and at Flint Hill, under the su-perintendence of John Jett, Addison Turner, William W. Deatheridge and John Eastham, or any two of them.

3. When one hundred shares shall have been subscribed, the subscri- Sandy Hook and bers, their executors, administrators and assigns shall be and are hereby Manasa's gap incorporated into a company by the name and style of "The Sandy Hook pany incorporated Manassa's Gap Turnpike Company," subject to the provisions of chap-rated. Regulations. Regulations. Regulations. Hood, how conthe said company shall not be required to make a summer or side road, structed. nor to pave or cover their road with stone or gravel, and shall not construct the same of a less width than sixteen feet, and at a grade not excceding five degrees.

4. This act shall be in force from its passage.

Commencement.

CHAP. 201.—An ACT to incorporate the Manassa's branch turnpike company. [Passed May 20, 1852.]

Capital.

1. Be it enacted by the general assembly, That it shall be lawful to open books for receiving subscriptions for an amount not exceeding ten thou-Route of road.

Subscriptions, where and by whom taken.

sand dollars, divided into shares of fifty dollars each, to constitute a joint capital stock for the purpose of constructing a turnpike road from the town of Middleburg in the county of Loudoun, to a point at or near the Goose creek bridge or Beaverdam bridge, on the road leading from Aldie to Snickersville, as a majority of the holders of said stock may The said books shall be opened at Middleburg, under the superintendence of Asa Rogers, Humphrey B. Powell, Wm. Benton, Townsend McVeigh, Burr P. Noland, or any three of them, and at such other places, under the direction of such agents as a majority of the said named commissioners may appoint.

Manassa branch turnpike company incorpoated. Regulations.

2. When ninety shares of the capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and they are hereby incorporated into a company by the name and style of "The Manassa's Branch Turnpike Company," subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia: Provided, That said commissioners shall construct their road not less than eighteen feet wide, and that its grade shall nowhere exceed four degrees.

Road, how constructed.

Commencement.

3. This act shall be in force from its passage.

CHAP. 202.—An ACT to reduce the width of the Beverly and Fairmont road in its extension from Fairmont to Wheeling.

[Passed June 1, 1852.]

Width of Be verly and Fairmont road. p. 6L.

1. Be it enacted by the general assembly, That the second section of the act, entitled "an act for continuing the Beverly and Fairmont road to Boe Acts 1649-50, the city of Wheeling in Ohio county, and to incorporate the Clarksburg and Wheeling turnpike company," passed February the second, eighteen hundred and fifty, in the words following, to wit: "Be it further enacted, That the said road shall be constructed from Fairmont as aforesaid, not less than twenty-one feet wide on level ground, and eighteen feet wide on hill sides, exclusive of ditches"—be and the same is hereby re-pealed, and the following section substituted therefor: That the said road shall be constructed from Fairmont as aforesaid, not less than seventeen feet wide, exclusive of ditches.

Commencement.

2. This act shall be in force from its passage.

CHAP. 203 .- An ACT to repeal the fourth section of an act for continuing the Beverly and Fairmont road to the city of Wheeling in Ohio county, and to incorporate the Clarksburg and Wheeling turnpike company, passed February 2d, 1850, and to amend said act.

[Passed May 27, 1852.]

Clarksburg and Wheeling turnpike company incorporated. Acts 1849-50, p. 61.

1. Be it enacted by the general assembly, That the fourth section of the act, entitled "an act for continuing the Beverly and Fairmont road to the city of Wheeling in Ohio county, and to incorporate the Clarksburg and Wheeling turnpike company," passed February second, eighteen hundred and fifty, be and the same is hereby amended and re-enacted, so as to read as follows: That in lieu thereof, It is enacted, That when one hundred shares of the capital stock shall have been subscribed, the subscribers or their personal representatives shall be and are hereby incorporated into a company by the name and style of "The Clarksburg and Wheeling Turnpike Company," subject to the provisions of the Code of Virginia in relation to incorporated companies: Provided, That said company shall not be required to pave or gravel its road, or to make a summer or side road; but said road shall be cleared not less than forty feet, and constructed not less than sixteen feet wide, and its grade shall not exceed four and a half degrees.

Regulations. Road, how constructed.

2. This act shall be in force from its passage.

Commencement.

CHAP. 204.—An ACT to authorize the county court of Lewis county to subscribe to the capital stock of the West Milford and New Salem turnpike company.

[Passed April 20, 1852.]

1. Be it enacted by the general assembly, That the county court of Lewis county to Lewis county is hereby authorized to subscribe to the capital stock of subscribe to West Milford the West Milford and New Salem turnpike company for nine shares or and New Salem two hundred and twenty-five dollars, and to provide that the money ap-turnpike.

propriated, levied and collected by order of the said county court for the how paid.

purpose of building a bridge over Jesse Hugh's river, a branch of Hacker's creek in said county, be applied in payment of the subscription which may be made in pursuance of this act.

2. That the stock in said company, which may be subscribed by autho- Stock to vest in rity of this act, shall vest in the county of Lewis, and shall be governed Lewis county.

by the sixty-second chapter of the Code of Virginia.

3. This act shall be in force from its passage.

2. This act shall be in force from its passage.

Commencement.

CHAP. 205.—An ACT legalizing an order of the county court of Harrison, directing a subscription to be made to the West Milford and New Salem turn pike company.

[Passed May 7, 1852.]

1. Be it enacted by the general assembly, That the order of the county Order of Herricourt of Harrison county, made June term eighteen hundred and fifty som court for one, appointing Waldo P. Goff commissioner to make a subscription on West Milford behalf of said county to the capital stock of the West Milford and New and New Salem Salem turnpike company, be and the same is hereby legalized.

galized. Commencement.

CHAP. 206.—An ACT to amend the act, entitled "an act to increase the capital stock of the West Milford and New Salem turnpike company," passed March 17th, 1851.

[Passed May 31, 1852.]

1. Be it enacted by the general assembly, That the act, entitled "an act Capital of West to increase the capital stock of the West Milford and New Salem turn-Milford and New pike company," passed March the seventeenth, eighteen hundred and increased fifty-one, be amended and re-enacted, so as hereafter to read as follows: See Acts 1850-51, That the act passed March the seventh, eighteen hundred and fifty, en. p. 119, and 1849-50, p. 98. titled "an act to incorporate the West Milford and New Salem turnpike company," be and the same is hereby so amended as to authorize the said company to increase their capital stock by the additional amount of six thousand dollars, for the purpose of constructing a branch of their road Branch road. from some point thereof to the town of Clarksburg. And the Board of Subscription by public works are hereby directed to subscribe on behalf of the common-state. wealth for three-fifths of said increased capital stock, upon the same terms and conditions in every respect as prescribed in relation to the subscription authorized for the commonwealth by the act incorporating said company.

2. This act shall be in force from its passage.

Commencement

CHAP. 207.—An ACT to authorize the sale of Purdie's bridge in the county of Isle of Wight.

[Passed April 12, 1852.]

1. Be it enacted by the general assembly, That the circuit court of Isle Authority to sell of Wight be and is hereby authorized, by decree rendered, at some re-Purdie's bridge. gular term of said court, in a suit in which all parties in interest are properly before the said court, to effect a sale of the bridge across one of the branches of Pagan creek in said county, sometimes called "Purdie's Bridge," together with all the rights and privileges appertaining to the same, by virtue of the act of the general assembly of Vir-ginia authorizing Thomas Purdie to build and use the same as a toll-bridge, the said court, by its decree shall direct and provide for the sale Proceeds, how aforesaid, and the disposition of the proceeds thereof in accordance disposed of. with the provisions and principles of law and equity.

2. This act shall be in force from its passage.

Commencement

CHAP. 208.—An act to increase the capital stock of the Indian Poll drawbridge company.

[Passed March 5, 1852.]

Increase of capital of Indian Pell drawbridge company.

1. Be it enacted by the general assembly, That the Indian Poll drawbridge company may increase the capital stock of their said company, by the sum of two thousand dollars; and the president and directors of the company are hereby authorized to receive subscriptions for the said increased stock, in shares of fifty dollars each.

Commencement.

2. This act shall be in force from its passage.

Силр. 209.—An ACT to incorporate the South Quay bridge company over Blackwater river.

[Passed Fobruary 10, 1852.]

Capital.

1. Be it enacted by the general assembly, That it shall be lawful to open books for receiving subscriptions to an amount not exceeding one thousand five hundred dollars, to be divided into shares of twenty-five dollars each, for the purpose of constructing a toll-bridge across the Blackwater river at South Quay, to connect the counties of Nansemond and Southampton; that said books shall be opened at South Quay, under fer subscriptions. the direction of Arthur E. Hall, Hardy Cross, Joseph I. Lawrence, H. B. Councill and John B. Jenkins, or any three of them.

Commissioners

Lucation of bridge.

South Quay

bridge company incorporated.

Regulations.

2. When forty shares of the capital stock of said company shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a company by the name and style of "The South Quay Bridge Company," subject to the provisions of the chapters fifty-seven, sixty-one and sixty-five of the Code of Virginia, so far as applicable.

Bridge not to obstruct navigation.

3. The said company shall be incorporated upon the condition that the bridge erected by it shall not in any manner obstruct the passage of any vessel, steamer, boat or raft on said river, or prevent or in any manner prejudice the navigation of said river; and the said bridge may be abated as a nuisance if any of the inconveniences above specified at any time result from it. And if said company do not begin the bridge within two years from the passage of this act. or shall fail to complete the same within three years thereafter, they shall forfeit all right to collect tolls under this act.

Time for commencing and completing bridge.

Tolks.

4. As soon as the bridge is completed, the said company may demand and receive such reasonable tolls as their by-laws may prescribe: Pro-Under control of vided, That the rates of toll shall be submitted to and approved by the Board of public Board of public works, and that said board may at any time regulate

Penalty for ex-

or modify, as they may think proper, the tolls charged by the company. 5. That if the toll-gatherer at said bridge shall demand or receive acting illegal toll. greater rates or tolls than authorized, the said company, for every such offence, shall forfeit and pay to the person aggrieved the tolls so demanded or received, and the further penalty of five dollars, recoverable with costs, by warrant before any justice of the peace for the county of Nansemond or Southampton.

Penalty for refusing to pay

6. That if any person chargeable with toll shall refuse or fail to pay to the toll-gatherer tolls as authorized by law, when demanded, he shall forfeit and pay to the said company, for every such offence, the tolls demanded and payable, and the further penalty of five dollars, recoverable with costs, by warrant before any justice of the peace for either of said counties.

Commencement.

7. This act shall be in force from its passage.

CHAP. 210.—An ACT to incorporate the Botetourt bridge company. [Passed May 28, 1852.]

Subscriptions, where and by whom taken

1. Be it enacted by the general assembly, That in the event the Buchanan turnpike company shall, by the first day of October one thousand eight hundred and fifty-two, fail to increase their capital stock, agreeably to the provision of the act passed March the eleventh, one thousand eight hundred and fifty, entitled "an act for constructing a bridge across the James river in Botetourt, and for the purpose therein mentioned," John H. Hansbarger, William L. Alexander and Edwin Jordan, or a majority of them, be and they are hereby authorized to open books, at Dibrell's springs in Botctourt county, and such other place or places as they may determine, and receive subscriptions, in shares of twentyfive dollars each, to an amount not exceeding six thousand dollars, for Capital. the purpose of constructing the said bridge across James river at Lick Run in the county of Botetourt.

2. When seventy-five shares shall have been subscribed by others Botetourt bridge than the commonwealth, solvent and able to pay, the subscribers, their company incor-executors, administrators and assigns shall be and they are hereby incorporated into a company by the name and style of "The Botetourt far as the same are not inconsistent with the next succeeding section of

Bridge Company," subject to the provisions of the Code of Virginia, so Regulations.

3. That the provision of the said act passed March the eleventh, one Provisions rethousand eight hundred and fifty, giving certain directions to the Board lating to toll and of public works, and the provisions of the act passed March the twenty-bridge. ninth, eighteen hundred and fifty-one, entitled "an act to amend the act passed March the eleventh, eighteen hundred and fifty-one, entitled 'an act to provide for constructing a bridge over the James river in Botetourt,'" respecting the manner of constructing such bridge, the tolls to be charged, the penalty for exacting illegal tolls, and the penalty for refusing to pay toll, shall be deemed to be as truly part of this act as if the same had been specially recited herein.

4. This act shall be in force from its passage.

Commencement

CHAP. 211.—An ACT authorizing the North river navigation company to construct a bridge at Buffalo in Rockbridge.

[Passed May 15, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful for the North river navi-North river navigation company to erect a bridge across the North river gation company's at or near the mouth of Buffalo creek in the county of Rockbridge.

2. Be it further enacted, That the president and directors of said com-construction of

pany shall forthwith advertise for proposals to construct a good, substan-bridge. tial bridge, according to specifications to be furnished by them; which when to be said bridge shall be completed simultaneously with that section of the completed. North river canal which is embraced between the mouth of the North river and Buffalo, and after the subscription made by the county court of Subscription by Rockbridge to the capital stock of said company, under the provisions of county first to be the act passed March twentieth, one thousand eight hundred and fifty-secured. one, entitled "an act authorizing an increase of the capital stock of the Junction Valley turnpike company, and for other purposes," shall have been secured to the said North river navigation company by county levy.

3. Be it further enacted, That it shall be lawful for the president and Tolls. directors of said company to adopt and enforce, according to the laws in operation, a tariff of tolls for said bridge not exceeding the rates usually established by law in such cases: Provided honever, That the Citizens of citizens resident in the county shall pass over said bridge at all times county not to be from tall. free from toll.

4. This act shall be in force from its passage.

Commencement.

CHAP. 212.—An ACT authorizing the North Branch bridge company to increase their rate of tolls. [Passed June 1, 1852.]

1. Be it enacted by the general assembly, That the fifth section of an Tolls at bridge. act incorporating the North Branch bridge company, passed January Acts 1847-8, fourteenth, eighteen hundred and forty-eight, establishing a rate of tolls p. 253. for passing the said bridge, be amended, so as to cause said fifth section to read as follows, to wit: The said company shall have authority to demand and receive the following tolls for passing over their bridge, viz: For every person on foot, five cents; for every horse and rider, ten cents; for every horse led or drove, five cents; for every two wheel riding carriage, twenty cents; for every four wheel carriage or stage, thirty cents;

for every carryall or jersey wagon, twenty-five cents; for every two wheel cart, twenty cents; for every two horse wagon, twenty-five cents; for every three horse wagon, thirty cents; for every four horse wagon, forty cents; for every five horse wagon, forty-five cents; for every six horse wagon, fifty cents; for every score of sheep or hogs, twenty cents; for every head of drove cattle, two cents each.

Commencement.

2. This act shall be in force from its passage.

CHAP. 213.—An ACT to incorporate the Marshall and Belmont bridge company. [Passed June 1, 1852.]

Subscriptions, where and by whom opened. 1. Be it enacted by the general assembly, That James Burley, John Thompson, William Cecil. Lewis D. Purdy, C. P. Anshutz Richard Morton, S. B. Purdy, Robert Alexander and Jonathan Lockwood be and they are hereby appointed commissioners, with power on their part to supply any vacancy which may occur by death, resignation or otherwise: a majority of them to act in pursuance hereof, for the purpose that they, or a majority of them, after twenty days' notice in some newspaper published in the county of Marshall and city of Wheeling, shall or may open a book or books, at such place or places as they or a majority may designate, for raising subscriptions to construct a bridge across the Ohio river, at or near the mouth of Little Grave creek in the county of Marshall; which commissioners shall proceed to receive subscriptions for the capital stock of the said company, which is hereby limited at two hundred and fifty thousand dollars, to be divided into ten thousand shares, of twenty five dollars each; and the said book or books shall be kept open for six consecutive days, and in case of an excess of subscription, the commissioners shall deduct from the largest in such manner that no one shall be reduced while any remains larger. And if the whole number of shares shall not have been subscribed for within the said time, the said commissioners, or a majority of them, shall give notice as aforesaid of the time and place or places when and where they will receive subscriptions for the remaining shares, as often as it may be necessary, till the whole stock, or such lesser sum as may be deemed sufficient, is subscribed.

Capital.

2. That said commissioners shall have full power and authority to contract for and cause to be erected the said bridge, and to select such site for the same as they, or a majority of them, shall deem safe and convenient, and to agree with and appoint such engineer, superintendent and other officers as they may think necessary, and to agree for all necessary materials and other articles, and to draw upon the treasurer of said company for the amount of funds necessary for the wages and materials employed for said bridge.

Payment at time of subscribing.

Power to contract for erection

Engineer and

Drafts upon

treasurer.

officers to be apointed.

of bridge. Site to be se-

lected.

Expenses and charges to be defraved.

First general meeting.

Directors, how elected. Their term of office. Election of presurer. Annual election of directors.

Notice of elec-

3. That every person, at the time of subscribing, shall pay the attending commissioner or commissioners five dollars, for every share subscribed for by him, out of which shall be paid the expenses of taking the subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the company as soon as the same shall

be organized and the officers elected as hereinafter provided.

4. That as soon as ten thousand shares, or any smaller number sufficient for the purpose, shall be subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders, who shall proceed in person or by proxy to the election by ballot of seven directors, who shall continue in office one year and until a new election of directors shall thereafter be made; and the directors shall have full power and authority to elect by ballot a president from their body, and also to elect a treasurer for said company. And the stockholders of said company, in one year after the day on which the election of directors shall be made, and on the same day in every year thereafter, (except the same shall happen on Sunday, and in that case on the succooding day,) shall elect by ballot from among the stockholders, seven persons as directors; and the president and directors for the time being shall give public notice for a new election at least fifteen days previous to the expiration of the time for which they are elected; and at such

elections for directors, each stockholder shall be entitled to one vote for votes by stock. every share by him or her held. And in case no election of directors holders. should happen to be made on any day when it should he so made in taking place, pursuance of this act, said corporation shall not for that cause be dis-corporation not solved, but it shall be lawful on any other day to hold and make such dissolved. election in such mode as the hy-laws or ordinances of said corporation may direct. And in case of the death, resignation or removal of any Vacancies filled. president or director or other officer, the said directors shall elect another

person to supply the vacancy for the remainder of the year. 5. That the said president and directors shall be authorized to make By-laws. such by-laws, rules, or orders and regulations (not inconsistent with the laws of this state) as shall be necessary for the well ordering and directing the affairs of the said company; and also to appoint a secre- Secretary to be

6. That the stockholders and their successors, from the time of the Marshall and first meeting before mentioned, shall and they are hereby declared Belmont bridge incorporated by the name of the "Marshall and Belmont Bridge Com-porated. pany;" and by that name may sue and be sued, plead and be impleaded, mewer and be answered unto, in any court of law or equity in this state, at pleasure.

7. That the president and directors shall meet, at such times and places Time and place as shall be agreed on, for transacting the business of the company, and of meeting of in the absence of the president, may choose a chairman; and they shall directors.

keep minutes of all their transactions fairly entered in a book.

Records to be
8. That the president and directors shall not be authorized to call upon Regulations on the stockholders for a greater sum than three dollars on each share at stockholders. any one time, nor until they shall have given at least thirty days' notice thereof. And in case any stockholder shall neglect to pay such pertion How recoverof his subscription at the time so appointed, the president and directors able.

may proceed to recover the same by due process of law.

9. That for and in consideration of the great risk and expenses to be Bridge and proincurred by the said company, not only for building said bridge, but for fits vested in keeping the same in repair, the said bridge, when built and completed, company. and all its profits, shall be and the same are hereby vested in the said company forever, or to be held as tenants in common, in proportion to their respective shares. And it shall and may be lawful for the said pre- Tolls. sident and directors at all times hereafter to demand and receive such reasonable tax or toll as they may from time to time agree on and

require.
10. That the said president and directors shall keep a just and true Dividends. account of all moneys received by their several and respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders, first deducting therefrom all proper expenses, or incidental costs and charges, and such proportions of the said income as they may deem necessary to provide against the decay, and for the repairing the said bridge; and shall, on every first Monday in July and January of every year, publish the dividond to be made of the said clear profits thereof among the stockholders, and also the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

11. That if any person or persons shall willfully injure any part or par- Penalty for incel of said bridge, he shall forfeit and pay to the president and directors juring bridge. for every such offence a sum not exceeding fifty dollars, to be recovered How recoverbefore any justice of the peace of Marshall county; and he, she or they able. so offending may and shall remain liable to actions at the suit of the pre-damages. sident and directors for further damages for such offence, if the sum or sums herein mentioned be not sufficient to repair and satisfy such da-

12. That in case any ferry over the Ohio river, within two miles above Assessment of and below said bridge, the right to which is secured to the party or par-damages for fer-ties carrying on the same by charter granted by the legislature of Vir-tained. ginia, shall be deprived of any chartered right, or otherwise injured by

tary, if they shall deem such an officer to be necessary; and to fix the elected; comsalaries or compensation of all officers who may be so appointed by the officers.

the provisions of this act, said party or parties shall be entitled, upon application in proper form and to the proper authority, to have the damages sustained by them in consequnce of such deprivation or injury, assessed by a jury in the usual form for cases for damages made and provided; and said Marshall and Belmont bridge company shall be answerable to said party or parties for said damages so ascertained, in any property held by said company under the provisions of this act: Provided however, That in case any ferry over the Ohio river, within two miles above and below said bridge, the right to which is secured to the party or parties carrying on or owning the same by law, shall be deprived of any legal right or enjoyment by the provisions of this act, said party or parties shall be entitled to demand and recover, in an action on the case in any court of record having jurisdiction of the subject, the damages sustained by said party or parties; and the said Marshall and Belmont bridge company shall be answerable for said damages in any property held or owned by said company, under the provisions of this act.

Bridge not to obstruct navigation.

13. That the bridge hereby authorized to be erected shall be constructed in such manner and at such height above the Ohio river as not to obstruct the free navigation of the said river.

Company not to privileges Charter under control of legisture. Assent of Ohio to be obtained.

14. That nothing in this act contained shall be construed to confer any banking privileges upon said company; and the legislature reserves to itself the right to alter, amend or repeal this charter at pleasure.

15. This act shall be in force so soon as the assent of the legislature Commencement, of the state of Ohio to its provisions shall have been obtained.

> CHAP. 214.—An ACT to enable the Wheeling and Belmont bridge company to raise money by an issue of new stock or by loan.

> > [Passed June 5, 1852.]

Increase of capital.

1. Be it enacted by the general assembly, That the Wheeling and Belmont bridge company be and they are hereby authorized to increase their capital stock to any amount not exceeding three bundred thousand dollars, including the stock already subscribed.

Stock equalized between old and new stockholders.

2. When the stock shall be so increased, so much of the new stock as the board of managers shall deem equitable, may be issued to the respective holders of the stock heretefore subscribed, for the purpose of equalizing them with the other holders of new stock.

Power to borrow money.

3. The said company shall have authority to borrow money to an amount not exceeding one hundred thousand dollars, and to secure the payment thereof by a mortgage or deed of trust on any of their property, franchises or income.

4. This act shall take effect from its passage.

Commencement.

CHAP. 215 .- An ACT to authorize the Fairmont and Palatine bridge company to borrow money, and to subject said company to the provisions of the fiftyseventh chapter of the Code of Virginia.

[Passed May 31, 1852.]

Power to borrow money.

1. Be it enacted by the general assembly, That the Fairmont and Palatine bridge company shall have the power to borrow money to an amount not exceeding five thousand dollars for the purpose of completing their bridge, and may secure the payment thereof with interest by a mortgage or deed of trust on their property, franchises and income, or any part thereof.

Regulations for government of company. repealed. See Acts 1849-50, p. 106.

2. The fourth section of the act, entitled "an act to incorporate the Fairmont and Palatine bridge company." passed the twelfth day of Part of act 1850 March eighteen hundred and fifty, is hereby repealed; and the said company shall be subject to the provisions of the fifty-seventh chapter of the Code of Virginia, so far as they are applicable, and all acts heretofore done by said company in conformity with the requirements of said chapter, are hereby sanctioned and made legal.

Commencement.

3. This act may be amended or modified at the pleasure of the general assembly, and shall be in force from its passage.

CHAP. 216.—An ACT to extend the time for the completion of the Morgantown wire suspension bridge.

[Passed April 14, 1852.]

1. Be it enacted by the general assembly, That the seventh section of the Extension of act, entitled "an act to incorporate the Morgantown bridge company," time for combe and the same is hereby re-enacted and amended, so as to read as fol-completing lows: That the time for commencing and completing their bridge be and bridge. is hereby extended, so as to allow said company two years from the passage of this act for commencing said bridge, and three years within which to complete the same.

2. This act shall be in force from the passage thereof.

Commencement.

CHAP. 217.—An ACT to declare Indian creek in the county of Tyler a public highway.

[Passed June 1, 1852.]

1. Be it enacted by the general assembly, That Indian creek in the county Indian creek deof Tyler be and the same is hereby declared a public highway, and it clared public
shall not be lawful to erect a dam across said creek exceeding in height
nine feet; and upon any dam now or hereafter to be erected across the
same, the proprietor or proprietors thereof shall cause to be erected
thereupon a slope not less than thirty feet square, with a notch at the
said slope extending across the entire breadth thereof.

2. This act shall be in force from its passage.

Commencement.

CHAP. 218.—An ACT authorizing Thomas Skidmore of Braxton county to construct a grist and saw mill dam at Baker's shoals on Elk river in said county.

[Passed June 3, 1852.]

1. Be it enacted by the general assembly. That the county court of the Skidmore's dam county of Braxton be and they are hereby authorized and empowered at Baker's shoals to grant leave to Thomas Skidmore of said county to construct a grist thorized. and saw mill dam at Baker's shoals on Elk river in said county; and said dam, when erected, shall be subject to the provisions of chapter sixty-two of the Code of Virginia.

2. This act shall be in force from its passage.

Commencement.

CHAP. 219.—An ACT authorizing John P. Topping and Thomas Latimer to construct a dam across Harris' creek, a navigable stream in the county of Elizabeth City.

[Passed May 14, 1852.]

1. Be it enacted by the general assembly of Virginia, That John P. Topping & Lati-Topping and Thomas Latimer of the county of Elizabeth City be and mer's dam across they are hereby authorized to construct a dam across Harris' creek on Back river autho-Back river in the said county, from the land of the said John P. Topping rized. to the land of Thomas Latimer, for the purpose of erecting a tide mill apon the said creek.

2. This act shall be in force from its passage, and shall be subject to Commencement.

Act under control of legislature.

CHAP. 220.—An ACT authorizing Thomas Dobbins to construct a marine railway in Hampton creek.

[Passed May 22, 1852.]

1. Be it enacted, That Thomas Dobbins be and he is hereby autho-Dobbin's marine rized to construct a marine railway in Hampton creek in Elizabeth City railwayin Hampton county, from the lands of said Dobbins: Provided, That leave be first rized. had of the county court of said county for the construction of said marine railway, and that the length and dimensions of the same be first approved by the said court.

2. This act shall be in force from its passage.

Commencement.

CHAP. 221.—An ACT to legalize a wharf at New Ports News in the county of Warwick.

[Passed April 17, 1852.]

1. Be it enacted by the general assembly, That the wharf lately erected Bennett & Meby R. E. Bennett and George II. Meriam at New Ports News in the riam's wharf at county of Warwick, be and the same is hereby made legal; and that the kegalized.

county court of Warwick have the same powers in regard to said wharf as are possessed by the county court of James City in regard to the Grove wharf on the lands of Thomas Wynne in said county of James City.

2. This act shall be in force from its passage.

CHAP. 222.-An ACT authorizing Joseph Caldwell to erect wharves and landings on his lands on the Ohio river.

[Passed June 1, 1852.]

Caldwell's wharf Obio river.

1. Be it enacted by the general assembly, That it shall be lawful for Joseph Caldwell, his heirs and assigns, to erect, at his own expense, one or more public wharves and landings at any time he may choose, on his said Joseph Caldwell's lands lying on the bank of the Ohio river within the said county of Ohio, and within the following described houndaries; that is to say, all the land lying west of the following described lines, to wit: Commencing at the corner stone dividing the lands of said Joseph Caldwell and John Eoff, at the northeast corner of Division and Water Streets in the city of Wheeling, and running thence S. 14 W. to a stake at a point on the river bank, forty-four and one-half poles from the beginning; thence, following the bank of said river southwardly seventy-four poles, to said Caldwell's southern line, being the division line between his lands and what was known heretofore as the Downey Farm, and on which was laid out Spriggs and Richards' Addition to South Wheeling, and now called South Wheeling: Provided, That such wharves and landings shall not obstruct or impair the free navigation of said river.

Wharfage fees.

2. Be it further enacted, That the wharfage and landing fees to be charged and demanded by said Joseph Caldwell or his assigns, for the use of his wharves and landings, shall be the same for all vessels, boats or rafts, and the payment thereof enforced in the same manner, and under the same penalties as now or as may be fixed from time to time by the said city of Wheeling, for the use of the wharves and landings belonging to the corporation of said city

Penalty for exacting allegal

3. And be it further enacted, That if the proprietor or collector at any such wharves or landings shall demand and receive from any person greater fees than is hereby allowed, he or she shall for every such offence forfeit and pay to the party aggrieved the fees so received and ten dollars, recoverable with costs, by warrant before a justice of the peace for said county of Ohio.

Act under control of legislature.

4. Be it further enacted, That this act shall at all times be under the control of the general assembly, and may be amended or repealed as they may deem proper.
5. This act shall be in force from the passage thereof.

Commencement.

CHAP. 223 .- An ACT authorizing Richard C. M. Young to build a wharf on James river, to connect with the lands of the state at or near Cobbam's in Surry county.

[Passed May 3, 1852.]

Young's wharf at Cobham's on James river.

1. Be it enacted by the general assembly of Virginia, That Richard C. M. Young shall have power to build a wharf on James river, to connect with any lot or land belonging to the commonwealth of Virginia in the county of Surry, at or near Cobham's, for the purpose of shipping wood or other articles therefrom.

Right of way through public lot granted.

2. That said party may have the right of way through any such lot or land, and may use a sufficient portion thereof for the purpose of a landing.

Damages to wharf, how re-

3. For any damage done to said wharf, the said party may bring his warrant before any justice of the peace for Surry county, who shall hear and determine the case as to him may seem just, allowing to all persons the same right of appeal as now authorized by law from justices' judg-

Act under control of legisla-Commencement

4. The legislature reserves to itself the power to alter or repeal this act at pleasure.

5. This act shall be in force from and after its passage.

CHAP. 224.—An ACT authorizing David S. Cowles to erect a pier in James river.

[Passed March 10, 1852.]

1. Be it enacted by the general assembly, That David S. Cowles of the Cowles' pier in city of Williamsburg shall have authority to erect a pier in James river, James river. near the mouth of Archer's Hope creek: Provided. The navigation of the Navigation not said river and of the said creek, and of neither of them, and no private to be obstructed. rights, shall be in anywise impeded or otherwise injured thereby: And provided further, That the said pier shall be subject to the general laws concerning nuisances,

2. This act shall be in force from its passage.

Commencement

CHAP. 225.—An ACT incorporating the Falmouth canal company. [Passed May 11, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful to open Subscriptions, books at Falmouth in the county of Stafford, under the direction of Duff where and by Green, Murray Forbes, W. P. Conway and Alexander H. Mason, or any whom opened. two of them, for the purpose of receiving subscriptions to the amount Capital. of thirty thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock for constructing a canal from the Rappahannock river, Route of canal. at or near Scott's dam, to the town of Falmouth.

2. The said books shall be opened, and the subscriptions made, in the Regulations for manner prescribed by the fifty-seventh chapter of the Code of Virginia; mertings, vote and all provisions of the said act relating to the keeping open the transfers of stock books of subscription, the general meetings of the company, the ratio of officers. votes, the incorporation of the company, the transfer of stock, the election of officers, shall be held and deemed to be equally applicable to the

purposes of this act as if they were especially recited here.

3. Whenever twelve thousand dollars shall have been subscribed, the Falmouth canal subscribers, their executors, administrators and assigns shall be and are company incorhereby incorporated into a company by the name and style of "The porated. Falmouth Canal Company," with all the rights, privileges and immunities, and subject to the responsibilities of a body politic and corporate, and may make such by laws, rules and regulations, not inconsistent with the constitution and laws of this state, as they may deem necessary and advisable: Provided however, That the sum of five thousand dollars shall Minimum capital. be subscribed within the period of two years from the passage of this act, and that the company shall, in good faith, commence the construc- When canal to tion of the said Falmouth canal in that period.

4. The president and directors of said company, besides the powers Acquisition of bereinbefore conferred, shall exercise the powers and perform the duties land and mateprescribed by the Code of Virginia on that subject; and all the provi-rials for comsions of said Code for the acquisition of land and materials for turnpike companies, shall be equally applicable to the acquisition of land by this company, not exceeding three acres at any one place, and of materials necessary and proper for the purposes of this company.

5. If any person shall willfully trespass on the possessions or do in-Trespasses and jury to the works of the company, he shall be deemed guilty of a mis-injuries to canal, demeanor, and be punished accordingly, except in cases where the of-how punishable. fence is of a higher grade.

6. The company may demand and receive, at such points on their im- Tolls. provements as may be selected by the president and directors, or by the company in general meeting, such tolls as they may deem reasonable: Provided, That the tolls may at any time be regulated by the general as-

sembly.

7. If any toll-gatherer of the company shall ask or receive any other Penalty for exor greater tolls than are authorized, or if any person shall pass any place acting illegal toll. where tolls are collected, without payment or legal tender of such tolls, such toll-gatherer, the company and person evading the payment or ten-der of such tolls as aforesaid, shall be liable to the penalties imposed in such cases by the general law concerning turnpike companies.

8. The general assembly shall have power to modify this charter.

9. This act shall be in force from its passage.

Charter under control of legislature. Commencement. CHAP. 226.—An ACT to authorize the corporation of Fredericksburg to make a loan to the Hazel river navigation company.

[Passed June 5, 1852.]

Corporation of Fredericksburg anthorized to loan money to money therefor or issue scrip.

1. Be it enacted by the general assembly, That the mayor and common council of the town of Fredericksburg be and they are hereby authorized to lend on behalf of the said town, in money, or the bonds or scrip Hazel river navi- of the said town, to the Hazel river navigation company, a sum not sation company.

Power to borrow exceeding ten thousand dollars; and they are hereby authorized to borrow, on behalf of the said corporation, such sums of money as they may deem proper for that purpose, or to issue their bonds or scrip for the whole, or such part of said ten thousand dollars as they may deem proper; but no bond or scrip shall be for a less sum than five dol-The said company are hereby authorized to execute a lien on their property and works to secure the payment of said loan: Provided how-

Propriety of citizens.

loan to be sub- erer, That the said mayor and common council shall not have the authomitted to vote of view conferred by a chief confer rity conferred by this act until the question, whether the said loan shall be made, shall be submitted to the voters of the said town qualified to vote for members of the common council of said town, and the same agreed to by four-sevenths of the votes polled.

> CHAP. 227.—An ACT to secure the collection of tolls upon the Alexandria canal, and to impose a penalty for the violation of the by-laws of said company.

> > [Passed May 25, 1852.]

Collectors of toll

1. Be it enacted by the general assembly. That the collectors of tolls of authorized to administer oaths, the Alexandria canal company, incorporated by congress, shall have authority to administer oaths, to receive the proper collection and faithful application of said company's tolls.

Penalty for vio-lating by-laws of and knowingly violate any of the by-laws of said company, such offence shall be cognizable before a justice of the peace, and punishable by a fine not exceeding ten dollars, and in default of payment thereof, by imprisonment for a period not exceeding ten days.

3. This act shall be in force from and after its passage.

Commencement.

CHAP. 228.—An ACT to incorporate the Virginia navigation company. [Passed February 28, 1852.]

Virginia navigation company incorporated.

1. Be it enacted by the general assembly, That Duff Green, Benjamin E. Green and Robert Lyon, or a majority of them, may at such times and places as they may designate, open books of subscription, and that the owners of the shares subscribed therein, their successors and assigns, shall be and are hereby made a body politic and corporate, in law and in fact, under the name and style of "The Virginia Navigation Company;" and by that name may sue and be sued, plead and be impleaded, with all the rights, powers and privileges of an incorporated company, and may purchase, receive in donation, use, transfer, sell and otherwise dispose of estate, real, personal and mixed, provided they shall at no time own real estate to an amount exceeding one hundred and fifty thousand dollars in value, unless such estate be obtained in the bona fide payment of debts due to the said company. But in no case shall they own more in any city, town or corporation than five acres of land, at any one time, for the purposes of a coal yard. 2. The proper business of the said company shall be to transport

Real estate limited.

What to be transported.

Where to run their vessels.

Officers of company. Directors.

Their powers.

coal, iron, passengers, merchandize, produce, and all and any commodity, person or thing which it may be convenient or proper for a transportation company to carry from Alexandria, and other points in the navigable waters of this state, to any other port in the United States or elsewhere; and for this purpose the said company may build or purchase vessels. propelled by steam or otherwise, and may appoint their own officers, agents, engineers, machinists and laborers.

3. The management of the business and affairs of the said company shall be under the control of a hoard of directors, to consist of not less than three nor more than five, who shall have full power and authority to make and execute contracts, and to enact rules, regulations and by-

laws not inconsistent with the laws of this state.

4. The capital stock of the said company shall be two hundred thou- Capital. sand dollars, in shares of ten dollars each; and the said capital stock may be increased from time to time to any amount not exceeding one million of dollars: Provided, That this act shall not be so construed as Charter under to prevent the legislature of this state, at any time hereafter, from control of legisgranting similar privileges to any other company. This act shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

5. This act shall continue in force from and after its passage.

Commencement.

CHAP. 229.—An ACT to incorporate the Lower Meherrin navigation company. [Passed May 13, 1852.]

1. Be it enacted by the general assembly, That Peter Edwards, John E. Lower Meherrin Persons, John J. Crump, R. B. Heath, Joseph Turner, J. H. Heath, navigation comfrancis E. Rives, and such other persons as they or a majority of them rated. may associate with them, be and they are hereby incorporated into a joint stock company for the improvement of the navigation of the Meherrin river below the town of Hicksford in the county of Greenesville, by the name of "The Lower Meherrin Navigation Company."

2. That the capital stock of the said company shall not exceed fifteen Capital.

thousand dollars. 3. That the said improvement may be commenced so soon as one when work to

thousand dollars shall have been subscribed and paid in.

be commenced.

4. That so soon as said company shall have improved the navigation Tolls. of the said river, so as to admit the passage of boats thereon for the transportation of persons, lumber or other produce, for a distance of ten miles, it shall be lawful for the said company to charge and collect tolls on whatever passengers or produce shall pass down the said section of ten miles; and whenever an additional section of five miles may be so improved by the said company, it shall be likewise lawful for the said company to charge tolls on the said section.

5. This act shall be in force from its passage.

Commencement

CHAP. 230.—An ACT in relation to the Guyandotte navigation company. [Passed May 13, 1852.]

1. Be it enacted by the general assembly, That the second section of the Subscription by act, entitled "an act increasing the capital stock of the Guyandotte na-state. vigation company, or for incorporating the upper Guyandotte navigation p. 76. company," passed March the fourth, eighteen hundred and fifty-one, be re-enacted and so amended, as to read as follows: Whenever the Board of public works shall be satisfied that the sum of two thousand dollars of such increased capital stock shall have been subscribed, by persons other than the commonwealth, solvent and able to pay, the said Board of public works shall subscribe, on behalf of the commonwealth, for the sum of three thousand dollars of said increased capital stock; and the said board shall continue to subscribe on behalf of the commonwealth. from time to time, in proportion to previous individual subscriptions, until the whole increased capital stock above authorized shall have been subscribed, or so much as may be necessary to complete said improve-The commonwealth's subscription shall be paid pari passu with individual subscriptions.

2. This act shall be in force from its passage.

Commencement.

CHAP. 231.—An ACT altering the charter of the Roanoke navigation company. [Passed February 5, 1852.]

Whereas a law has been passed by the state of North Carolina, pro-Preamble. viding that the Roanoke navigation company shall be authorized and empowered to become common carriers of freight on the Roanoke, Dan and Staunton rivers, so far as the same are within the jurisdiction of that

1. Be it therefore enacted by the general assembly, That the said Roan-Roanoke navigaoke navigation company be and it is hereby authorized and empowered tion company to to run boats for the carriage of freight of all sorts on the Roanoke, Dan run boats on

Roanoke, Dan and Staunton rivers.

and Staunton rivers and their tributaries, so far as the said rivers and their tributaries are within the jurisdiction of this state; but nothing herein contained shall be construed to destroy, impair or diminish the right of individuals to navigate the said streams, and carry freight for themselves or others.

Transfers of atock.

2. Be it further enacted, That the said company, instead of the mode now prescribed by law, be authorized and empowered to transfer the stock of the company owned by residents in this state on a transfer book to be kept for that purpose, as is authorized by law in the case of the banks of this commonwealth.

Toll on freight designed for Richmond and Danville railroad.

3. But this act shall not take effect until the Roanoke navigation company shall, in general meeting of the stockholders, consent to the following provisions as part of the charter of said company, viz: That on all freight, designed to be transported by the Richmond and Danville railroad company, no greater charge or toll shall be demanded or received by said Roanoke navigation company than is charged by said Roanoke company on similar freight for like distances to or from any other road or place whatsoever.

Commencement.

4. This act shall be in force from the passage thereof.

CHAP. 232.—An ACT to incorporate the Pamunkey and Mattapony steam navigation company.

[Passed June 1, 1852.]

Pamunkey and Mattapony naviation company incorporated.

1. Be it enacted by the general assembly, That John Duval, William P. Courtney, E. S. Acree, Benoni Carlton, S. S. Henley, Benjamin Fleet, W. D. Gresham, John Bagby and P. P. Duval, their associates and successors, shall be and they are hereby incorporated and made a body politic and corporate by the name and style of "The Pamunkey and Mattapony Steam Navigation Company;" and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and purchase, hold and convey property, real and personal, subject to the provisions of the fifty-sixth, fifty-seventh and sixty-first chapters of the Code of Virginia, so far as applicable.

Capital.

2. The capital stock of said company shall be ten thousand dollars, with liberty to increase the same to sixty thousand dollars, each share of which shall be one hundred dollars, and shall be deemed personal property, transferable in such manner as the by-laws of said company shall direct.

Stock transfera-

Ratio of votes of stockholders.

3. Each stockholder or proxy shall be allowed one vote for each share as far as five shares, and one additional vote for every five shares and above five: Provided always, That no stockholder, whether individual, body politic or corporate, shall be entitled to more than fifteen votes on any amount of the capital stock of the said company held by him or them.

Liability of stockholders.

4. The stockholders of said corporation shall be severally, individually liable to the creditors of said company to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of the capital stock of said company shall have been paid in, and a certificate thereof shall have been made and published, as prescribed in the following section.

When capital

5. The president and a majority of the directors of the company, paid in; publica- within thirty days after the payment of the last installment of the capital stock of said company, shall make a certificate, stating the amount of the capital stock of the company, and that the same is paid in; which certificate shall be signed by the said president and majority of directors,

President and directors, how clected. Their term of office.

and published in at least two newspapers in the city of Richmond.

6. The stockholders of the company, personally or by proxy, shall annually elect a president and eight other directors (being stockholders) to manage the affairs of the company, who shall hold their office for one year, and until another election can be made, a majority of whom shall constitute a board for the transaction of business.

By-laws.

7. The president and directors shall have power to make such bylaws and regulations, not contrary to the laws of the United States or of this state, as they may deem expedient for the government of the said company; and special meetings of the stockholders may be called by Special meetings

the president or any three of the directors.

8. The said company shall have power and authority, and the same what rivers to are hereby conferred upon them, to navigate by steam York river and be navigated by

its tributaries, Pamunkey and Mattapony, and to remove all obstructions company. to the navigation of said rivers, and shall commence their operations When company within three years from the passage of this act; otherwise, all their rights, to commence powers and privileges under the same shall cease: It is also further Exclusive priviprovided, That the privileges hereby conferred shall not interfere with leges not granted those heretofore granted to others.

CHAP. 233.—An ACT authorizing the incorporation of the Alexandria and Washington navigation company.

[Passed June 3, 1852.]

1. Be it enacted by the general assembly, That Ulysses Ward, J. W. Alexandria and Maury, George Page, Stephen Shinn, James Dempsey and Richards C. Washington Smith, their associates and successors, shall be and they are hereby con-stituted a body politic and corporate by the name of "The Alexandria porated. and Washington Steam Navigation Company," for the purpose of con-Purpose of incorveying passengers and freight between Alexandria and Washington, or poration. between Alexandria and other points on the Potomac river; and by that name and style may sue and the sued, and have a common seal, and all rights and attributes of a corporation.

2. The capital stock of said company shall not be less than twenty- Capital. five thousand nor more than thirty-five thousand dollars, and shall be di-

vided into shares of fifty dollars each.

3. When two hundred and fifty shares shall have been subscribed, a General meeting, general meeting of the subscribers shall be held in the city of Alexan-when and where dria at such time as a majority of the persons above named shall designate, for the purpose of organizing said company; of which meeting ten days' previous notice shall be published in the cities of Alexandria and Washington.

4. For managing the affairs of said company, there shall be chosen President and annually from the stockholders a president and seven directors; and a directors. majority of directors shall constitute a board for the transaction of busi-

5. On the election of president and directors, and in the transaction Ratio of votes of of all other business by the stockholders in general meeting, each pro-stockholders. prictor shall be entitled to one vote for every share up to ten, and to one vote for every five shares over ten.

6. The company hereby incorporated shall have power to hold real es- Real estate. tate sufficient for the purpose of erecting wharves and slips, buildings, and so forth, sufficient for the purpose of conducting their business, and

ness.

7. The president and directors shall have power to enact such by-laws By-laws. and regulations, not contrary to the laws of the United States or of this poration; and special meetings of the stockholders may be called by the Special meetings of stockholders. state, as they may deem expedient for the government of the said corpresident, or any three of the directors.

8. The president and directors who may be elected at any meeting of Term of office of the stockholders shall continue in office, unless sooner removed by the president and directors. stockholders, until the next annual meeting, and until their successors

9. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 234.—An ACT to incorporate the Potomac steamboat company. [Passed May 14, 1852.]

^{1.} Be it enacted by the general assembly, That Stephen Shinn, George Petomac river D. Fowle, John F. Dyer, Samuel R. Adams, C. C. Berry, Franklin steamboat company incorporation. Taylor and Richard C. Smith, their associates and successors, shall be rated.

DADY.

and they are hereby constituted a body politic and corporate by the name Purpose of com- of "The Potomac River Steamboat Company," for the purpose of conveying freight and passengers between points on the Potomac river; and by that name and style may sue and be sued, have a common seal, and

When charter to all rights and attributes of a corporation for the period of thirty years expire. from the passage hereof.

Capital.

2. The capital stock of said company shall not be less than fifteen nor more than thirty thousand dollars, and shall be divided into shares of twenty-five dollars each.

General meeting,

3. When one hundred shares shall have been subscribed, a general when and where, meeting of the subscribers shall be held in the town of Alexandria, at such time as a majority of the persons above named shall designate, for the purpose of organizing said company; of which meeting ten days' previous notice shall be published in one of the newspapers published in the town of Alexandria.

President and directors, how chosen.

4. For managing the affairs of said company, there shall be chosen annually from the stockholders a president and five directors; and a majority of directors shall constitute a board for the transaction of business.

Ratio of votes.

5. In elections for president and directors, and in the transaction of all other business by the stockholders in general meeting, each proprietor of one share shall be entitled to one vote; of four shares, to two votes; of eight shares, to three votes; and of fifteen or more shares, to four votes.

Real estate.

6. The company hereby incorporated shall have power to hold real estate sufficient for the purpose of erecting wharves, landings, buildings. &c., not exceeding one acre.

By-laws.

7. The president and directors shall have power to enact such by-laws and regulations, not contrary to the laws of the United States or of this state, as they may deem expedient, for the government of the said cor-Special meetings poration; and special meetings of the stockholders may be called by the of stockholders. president or any three of the directors.

Term of office of

8. The president and directors who may be elected at any meeting of the stockholders shall continue in office (unless sooner removed by the stockholders) until the next annual meeting, and until their successors shall be elected.

Commencement. Act under control of legisla-

ture.

president and directors.

9. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 235.—An ACT to incorporate the Amazonian mail steamship company. [Passed May 15, 1852.]

Amazonian mail steamship company incorpo-rated.

1. Be it enacted by the general assembly, That William H. Macfarland, R. B. Haxall, Thomas W. McCance James Thomas, junior, R. H. Maury, William II. Wilson, Holt Wilson, R. M. Boykin, Morse W. Armistead, John Nash, John Lash, William H. H. Hodges, Richard H. Chamberlayne, Cincinnatus W. Newton, A. T. M. Cooke, Dr. Thomas Newton, Dr. Francis Mallory, John B. Whitehead, Francis B. Dean, junior, John R. McDaniel, Ödin G. Clay, Charles H. Lynch, Henry Davis and William W. Blackford, and their associates, and all other persons who are or hereafter may be holders of the stock hereinafter mentioned, are hereby constituted a body corporate by the name of "The Amazonian Mail Steamship Company," and so to remain and continue for twenty-five years next ensuing, for the purpose of building, equipping, furnishing, fitting, purchasing, chartering and owning vessels, to be propelled solely or partially by the power or aid of steam, or other expansive fluid or motive power, and to be run and propelled in navigating the Atlantic ocean and the waters thereof; and also purchasing, owning and navigating such auxiliary sailing vessels as may be necessary to provide fuel or other necessaries; and for such purpose, all the necessary and incidental power is hereby granted to said corporation; and all contracts made may be either verbal or under the signature of the president and secretary of said company, and with or without the

Duration of charter. Purpose of companŷ.

corporate seal.

Corporate powers.

2. The capital stock of said corporation shall be one million of dollars, Capital. and is to be divided into shares of one hundred dollars each. The cor-When to comporation may commence operations when one hundred thousand dollars mence business. shall have been subscribed, and the sum of ten per cent. on the amount of each share subscribed for paid in, with liberty of increasing the

capital five hundred thousand dollars.

3. As soon as one hundred thousand dollars shall have been subscribed, General meeting, a meeting of the stockholders shall be called, and said stockholders when.
Directors, how shall elect by ballot, at such meeting, or at any subsequent general elected. meeting, five directors, being stockholders, to hold their office for one year, to manage and conduct the affairs, concerns and business of the corporation. Each stockholder at such election shall be entitled to one Ratio of votes of vote for each share he shall hold at the time of such election, and the stockholders. election shall be made by such of the stockholders as shall attend for that purpose either in person or by proxy, and the directors of the said Term of office of corporation, except for the first year, shall be annually elected at such directors. time and place as shall be directed by the by-laws of said corporation.

4. Any three directors of said corporation shall form a quorum for Quorum of dithe transaction of all the business of said corporation.

5. It shall be lawful for the directors of the corporation to call in and Requisitions on demand from the stockholders respectively all such sums of money by stockholders. them subscribed for, at such times and in such payments or installments as the directors shall deem proper, under the penalty of forfeiting the Penalty for fallshares of stock subscribed for and all previous payments made thereon, ing to payif payments shall not be made by the stockholders within sixty days after the personal demand or notice requiring such payments shall have

been published, for six successive weeks, in one or more newspapers published in the city of Norfolk or New York.

6. Said corporation may have and use a common seal, and the stock Corporate seal; of said corporation shall be deemed personal estate, and shall be trans-sile. ferable in such manner as shall be prescribed by its by-laws. 7. The directors of the corporation, who from time to time may be President and duly elected, may appoint one of their number to be president, and such officers and agents, how apother officers and agents, and establish such by-laws and regulations pointed as they may think proper and expedient, for the government of the By-laws. corporation and the management of their business, so that such by-laws

constitution or laws of this state or of the United States. 8. The said corporation shall possess the general powers and privi-Regulations for leges and be subject to the general restrictions and liabilities prescribed government of in the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable and are not in conflict with any provision contained in this act.

and regulations shall not conflict with, nor in any manner violate, the

9. The legislature may at any time alter or repeal this act.

10. This act shall take effect immediately from and after its passage. lature.

Charter under Commencement.

CHAP. 236.—An ACT to incorporate the Old Dominion steamboat company. [Passed May 14, 1852.]

1. Be it enacted by the general assembly, That Conrad H. Hunt, Frank-Old Dominion hin Slaughter, Thorowgood Taylor, William T. Hart, Richard Baylor, steamboat com-Thomas A. Ball and John L. Marye, or any three or more of them, shall rated. be and they are hereby authorized to open books of subscription, in order to form a joint stock company by the name of "The Old Dominion Steamboat Company," for the purpose of running one or more steamboats Where line of between Fredericksburg and Baltimore, and such other points on the boats to be run. Rappahannock river and Chesapeake bay and their tributaries as may hereafter be chosen by said company; which company shall be subject Regulations for to all the conditions and restrictions, and be entitled to all the privileges government of created and imposed by the enactments of the Code of Virginia relating company. to joint stock companies, so far as they are not inconsistent with the provisions of this act.

2. The capital stock of said company shall not be less than thirty Capital. thousand nor more than one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

President and directors, how

3. For managing the business of said company, there shall be chosen annually by the stockholders, at such time as they may in general meeting appoint, a president and seven directors, a majority of whom shall constitute a board for the transaction of business: six at least of which officers shall be residents of this state.

Ratio of votes of stockholders.

4. In the meetings of the stockholders, each stockholder may in person or by proxy, give the following vote on whatever stock he may hold in the same right, viz: One vote for each share of such stock not exceeding five; one vote for every three shares exceeding five, and not exceeding twenty; and one vote for every five shares exceeding twenty.

Meetings, where to be held. Special to how called.

5. The meetings of the stockholders and the sittings of the board of directors shall be held in the town of Fredericksburg, and special meetings of the stockholders may be called by the president, or by any three of the directors.

Real estate.

6. The said company may hold and convey such real estate as is convenient for its uses, not exceeding, if in a city or town, three acres, and elsewhere, ten acres.

increase of capital.

7. If the whole amount of capital stock authorized to be raised by this act shall not have been subscribed before the said company shall have commenced its operations, it shall in such case be lawful for the stockholders, or a majority of them in interest, from time to time to cause books of subscription to be opened, until the whole amount of capital stock hereby authorized to be raised shall have been subscribed for; and also, if to them it shall seem proper, to fix the price of the additional stock at such a premium as they may from time to time direct; which premium shall be the common property of all the stockholders, in proportion to the capital stock owned by them respectively.

Premium on new stock.

Commencement.

8. This act shall be in force from its passage.

CHAP. 237 .- An ACT incorporating the Union line of steamboats for navigating the Ohio river.

[Passed March 8, 1852.] 1. Be it enacted by the general assembly of Virginia, That it shall and

Union line company formed.

may be lawful to open books for the subscription of stock for the purmay be lawful to open books for the subscription of stock for the purpose of forming a company to be called "The Union Line," at such place or places, and at such time or times as may be designated by Samuel for subscriptions Mason, John McLure, jr., John List, Thomas Sweeny, John W. Gill, Samuel C. Baker, E. M. Norton, John L. Hobbs, James R. Baker, Hugh Nichols, John Hunter and James S. Wheate, or a majority of them, who are hereby appointed commissioners for that purpose. said commissioners, or a majority of them, shall appoint the person or persons under whose superintendence, and the several places where the said books of subscription shall be opened, and the time during which they shall be continued open.

Par value of

stock.

2. The par value of the shares in said company shall be one hundred dollars, to be paid in the mode hereinafter provided.

When subscription books to be

3. So soon as, in the opinion of the majority of said commissioners, there shall have been subscribed by persons responsible and able to pay, an amount sufficient to build and equip one or more steamboats of the kind and description required for the purposes of this line, whereof the said commissioners, or a majority of them, shall determine at their dis-

elosed.

To be submitted cretion, they shall cause the said books of subscription to be closed; and to meeting of having summoned a meeting of subscribers to said stock, at such time aubscribers. and place as they may deem most convenient, they shall lay before such meeting the said books of subscription.

Stockholders au thorized to build and equip boats.

4. At such meeting the subscribers may by voluntary agreement continue their several subscriptions of stock, in amount which shall, in the opinion of the majority of such commissioners, be sufficient to build and equip one or more hoats of the kind and description required for the purposes of this line. The shareholders who shall thus continue, by voluntary agreement, to build and equip any one of said boats with the approval of said commissioners, or a majority of them, which approval shall be signified by a written certificate delivered to said shareholders,

shall thereafter hold the stock, subscribed and held by them, separate such stock to be and distinct from the other shareholders in said company. In the for-separate from mation of every such combination of stock, any subscriber may increase increase of subthe amount of his subscription, by the addition of any number of shares scriptions. necessary to make up the amount required for the building and equipping

5. So soon as any one of the hoats, provided for in the last two sec-Registering and tions, shall have been built and equipped, and the owners thereof shall licensing of have complied in all respects with the requirements of the laws of the United States regulating the enrolling and licensing such boats, it shall Inspection of be the duty of the said commissioners, or a majority of them, carefully boats. to inspect and examine said boat; and if they shall find that said boat is when boats to in all respects of the kind and description required for the purposes of be received as said line, they shall deliver to the owners a certificate thereof, and from belonging to line. thenceforth the said boat shall be one of said line. The owners or share- Statement by holders of said boat shall thereupon deliver to the commissioners a state- owners of boat ment of the owners thereof, the number of shares held by each, and the sloners. name of said boat: they shall also name the owner whom they have selected to represent them in the board of control hereinafter mentioned.

6. So soon as three or more of said boats shall have been thus in-Meeting of share spected and admitted into the said line by the said commissioners, or a and boat owners. majority of them, in pursuance of the last preceding section, they shall summon a meeting of the persons who shall have been named as the representatives of said boats, at such time and place as they may appoint, and shall deliver to the meeting thus convened the books of subscription, and all papers relating to said line. The said persons and their Board of control successors shall from thenceforth constitute a body corporate, entitled of Union line incorporated. "The Board of Control of the Union Line."

7. It shall be the duty of the board of control to determine the port Ports to and on the Obio or Mississippi rivers, to and from which such line, or any from which boats to run. part thereof, shall run, to prescribe the order in which or the days upon Regulations which each boat shall commence the designated voyage or trip, and to therefor. prescribe the tariff or rates of charge for the transportation of persons Rates of trans-or property between any points in such voyage. The said board may portation. also prescribe such rules as they may deem proper, by virtue of which the master of any hoat may by special contract vary from such tariff or

rates of charge.

8. The said board of control shall be authorized, by a vote of two-Contracts with thirds of its members, to make a contract with any railroad or other railroads or other companies for transportation company, for carrying persons or property, at fixed rates transportation of charge, between any points in the established voyage of said boats.

And such contracts shall be obligatory and binding upon the owners of

every boat so long as the same shall continue one of said line.

9. The said board shall be authorized to appoint an agent for the said Agents of line. line at such points or ports in the voyage of said boats as they may deem best for the interest of said line, and to fix and determine the amount of Their compensa-

compensation to be paid to every such agent.

10. The board of control shall be authorized, by a vote of two-thirds How boats may of its members, to admit and receive any boat into and as one of said be admitted on line. line: Provided, The said board shall have been first satisfied, by inspection or otherwise, that said boat is in all respects of the kind and description required for said line, the owners of said boat having first complied

with the requisitions of the fifth section of this act. 11. Whenever, in the opinion of the board of control, any boat shall How boats exnot in all respects be such an one as is required for the line, the said cluded from line. board shall be authorized, by a vote of two-thirds of the members thereof, to order and direct that said boat shall be excluded from said line; and shall cause notice of such order to be published in some public newspaper printed in the city of Wheeling, and such other newspapers as said board shall deem proper. From the time of making said order, How members the representative of said boat shall no longer be a member of said of board cease to board, nor shall said boat be any longer subject to any control on the be such. part of said board; and thereafter, the owners of the residue of the boats composing the said line shall indemnify and save harmless the owners

What contracts into.

hosed

to free passage on line

How owners of boots may withdraw from asso-

Votice of withdrawal to be published.

Boats, how designated.

To whose benefit contracts to CRUTA.

to boat with which made.

Bills of lading, how made and

Each boat liable for its damages only.

Liability of

Boats liable to attachment. Suits not to abate by change of ownership. How suits prosecuted.

Each boat incorporated.

Bosts excluded of the boat thus excluded from all liability by virtue of any contract enindemnified from tered into by the board of control under the eighth section of this act.

12. The said board shall not be authorized to enter into any contract board may enter whatever, excepting those intended by the eighth and ninth sections of mto.

Compensation of this act. The compensation of each member of said board for his ser-

vices shall be paid to him by the owners of the boat he represents. The Expenses of line, expenses incurred by the board, in the discharge of their duties in advertising and employing agents for the line, shall be paid in equal propor-Members entitled tions by the boats of the line, upon the requisition of the board. attending the meetings of the board, or in the discharge of any duty,

every member shall be entitled to a free passage on any boat of the line. 13. The owners of any boat belonging to said line may at any time withdraw the same therefrom, by the vote of a majority in value of the draw from asso stock of said boat, after having given to the board of control at least Liability thereas twenty days' notice thereof; but the said boat and the owners thereof

shall nevertheless be liable under any contract which may have been lawfully entered into by the said board under this act, prior to the time of such notice of withdrawal. Said board shall also cause said notice to be published for twenty days in some newspaper printed in the city of Wheeling.

14. The owners of every boat belonging to said line shall cause the words "The Union Line" and the name of such boat to be displayed in such manner, and upon such part or parts of said boat, as the board of control may direct.

15. All contracts entered into by the board of control under the eighth section of this act, shall enure solely for the benefit of the parties to said contract, and not for the benefit of any other person or corporation Contracts limited whatsoever. Every contract for the transportation of persons or property shall be deemed and taken to have been made only with the boat upon

which such persons shall have taken passage, or such property shall have been shipped or loaded. The clerk or other proper officer of each how made and boat belonging to said line shall, when required, sign a bill of lading for effect. taking passage upon said boat; which bill of lading and memorandum

shall be deemed and taken a contract with the said boat, and not with the line to which said boat belongs. Each boat shall be liable for damages under a contract for the transportation of persons and property actually received or shipped on said boat, and not for damages under any contract for the transportation of persons or property received or shipped on any other boat belonging to the said line.

How suits against 16. All actions or suits for the recovery of monogo and boats to be instior persons or bodies corporate, for materials, supplies or labor furnished or bestowed in the repairing, refitting or attending upon any one of said boats, or for wharfage, or for damages upon any contract for the transportation of, or for any injury done to any person or property by such boat, or by any person having charge of her, or in her employment, shall be brought against the said boat by name, and not against the master or commander or any owner thereof. The owners of said boat shall not owners of boats be individually liable for the payment of any debt, liability or demand on account of said boat, beyond the amount of the stock by him owned or subscribed in said boat. Said boats shall be subject to process of attachment in all cases for which provision is now made by law.

> such suit or action shall abate by reason of any change in the ownership of said boat, after any cause of action has accrued. Every such suit or action may be prosecuted to judgment, and upon every such judgment process of execution may be issued and levied upon said boat, in the same manner and to the same extent as if said judgment had been rendered against the individual owners of said boat.

> 17. For the more convenient transaction of the business of said boats, the owners of each of the boats belonging to said line, so long as the same shall continue and remain therein, shall be and are hereby declared a body corporate, by the name of the boat; and in that name may sue and be sued, plead and be impleaded, and be in all things subject to the provisions of the law relating to corporations. They may use a corpo

rate seal, and break and change the same at pleasure; may provide the Corporate seal; mode in which the stock of the owners shall be transferred, and appoint transfers of stock; appoint tock; appoint all necessary and proper officers for managing the affairs of said boat, ment of officers. take proper bonds for the faithful performance of their duties, and make all such other proper rules and regulations as may not be incon-By-laws. sistent with the laws of the land. Each of said corporations shall Change of boats report from time to time any change that may occur in the ownership of control. of the boat belonging thereto, to the board of control.

18. The owners of each of the boats belonging to said Union line Proxies of boat shall have authority to provide for the appointment from time to time owners, how appointed and reof its representative in the board of control, and for the removal of such moved.

representative from office.

19. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the general Act under control of legislaassembly.

CHAP. 238.—An ACT to constitute Deep creek in the county of Amelia a lawful fence.

[Passed May 29, 1852.]

1. Be it enacted by the general assembly, That Deep creek in the county Part of Deep of Amelia, from the Namozene road to the Appomattox river, is hereby creek declared constituted a lawful fence. constituted a lawful fence.

2. This act shall be in force from its passage.

Commencement.

CHAP. 239.—An ACT to constitute a part of the Appomattox river a lawful fence.

[Passed March 31, 1852.]

1. Be it enacted by the general assembly, That between the proprietors Part of Appoand occupants of lands extending to and lying on both sides of the Ap-mattox river depomattox river, between Mary T. Riddle's mill and Planterstown, the fence. bed or channel of said river shall be considered as constituting a lawful

2. This act shall be in force from its passage.

Commencement.

CHAP. 240.—An ACT to regulate the sale of sweet potatoes in the county of Accomack.

[Passed May 10, 1852.]

1. Be it enacted by the general assembly, That in the county of Acco-Sweet potatoes mack sweet potatoes shall be sold and purchased by weight, and the in Accomack to standard weight of a bushel shall be sixty-five pounds, and of a barrel sold by weight, one hundred and fifty pounds; and any person who shall, in said county, Standard bushel sell and deliver or purchase sweet potatoes in any other manner than Pennity for violating the said foresaid shall forfait and nay for each offence a penulty letter lett. by weight as aforesaid, shall forfeit and pay for each offence a penulty lating law. of twenty-one dollars, recoverable by motion in any court of record having jurisdiction, after ten days' notice of such motion: Provided, That Proviso. nothing in this act shall be construed to prohibit any persons in said county from selling their crops of sweet potatoes by the gross, patch or

2. This act shall be in force from its passage.

Commencement.

CHAP. 241.—An ACT authorizing the county courts of Fauquier, Gloucester, Ohio, Warren and Brooke to levy a tax on dogs.

[Passed May 31, 1852.]

1. Be it enacted by the general assembly, That the several county courts Tax on dogs auof the counties of Fauquier, Gloucester, Ohio, Warren and Brooke may thorized in certevy a tax on dogs owned or kept in their respective counties; and to enable them to exercise this power, they may require the constables of Constables re-their counties to ascertain annually all the dogs in their districts, and make quired to list return thereof to their respective courts, with the names of the owners arranged in alphabetical order.

2. In laying such tax, the said courts may discriminate so as to ex- What dogs exempt altogether one dog in favor of each housekeeper, and lay a greater empt from tax. tax upon every additional dog, as to such courts may seem proper, and they may discriminate in favor of packs of hounds kept for killing foxes or other noxious animals.

Who to pay tax,

3. The taxes so levied shall be paid by the persons, respectively, in whose names the dogs shall be listed; and the owner or occupier of any house, lot or plantation about or upon which any dog may be kept or permitted to remain for the purposes of this act, shall be deemed the owner of such dog.

Fine for concealing dogs.

4. If any person shall conceal his dog, or send him from house to house, or to any place for the purpose of avoiding the tax, he shall pay a fine of five dollars.

Owners to swear to dogs in pos-

5. Every person, when called on by the constable of his district, shall disclose, on oath, the number of dogs owned by him, or kept or permitted to remain about any house or upon any lot or plantation in his oc-Who to administ cupancy; and such oath may be administered by the constable.

6. The taxes imposed upon the dogs of any county shall be collected

ter oath. Dog tax, how collected and accounted for.

and accounted for by the sheriff of such county as county levies are by law directed to be collected and accounted for; and to that end, it shall List of owners to be the duty of the court, in convenient time, to cause a list to be delivered to such sheriff, containing the names of all persons charged with a dog tax, and shewing the amount of the tax severally assessed against each.

be furnished

List of persons

Dogs not paid for to be killed.

Penalty for con-

cealing dog. Owners to be notified before

killing dog.

Report of constable.

To account for

Compensation and liabilities of sheriffs.

Compensation and liabilities of

constables.

Receivers of dog tax to be appointed by ourts. Bond required.

Receivers retion. Their duty.

7. The court shall cause a list, containing the names of all persons falling to pay dog failing to pay the dog tax assessed against them, to be delivered to the tax to be furnished constable. constables of the districts in which they respectively reside, with the number of dogs listed to, and the amount of tax assessed severally against each; and it shall be the duty of such constables, upon receiving such lists, forthwith to search out and kill every dog in respect to the tax on which the owner shall be delinquent; and any person who shall conceal a dog, for the purpose of evading the provisions of this section,

shall pay a fine of five dollars. But no dog shall be killed by virtue of this section, whose owner shall pay to the constable of his district the tax in respect to which he may be so delinquent; and it shall be the duty of each constable, before killing any dog by virtue of this section, to notify all persons of their said delinquency, and of the amount of the tax they are required to pay. 8. Every constable receiving such list as is mentioned in the preceding

section shall make due return to his county court, at such time as such court shall direct, of the manner in which he has discharged his duties respecting the same, and shall pay over, to the person appointed to dog tax collected receive the same, any tax collected by him; and he shall moreover be by him. liable for the tax assessed upon every dog enumerated in such list of which he shall fail to return a satisfactory account to the court.

9. For collecting and accounting for the dog tax of any county, the sheriff shall be allowed the like commission as is allowed for collecting and accounting for the county levies, and be liable, together with his sureties on his official bond, in like manner therefor.

10. The constables shall be allowed a just compensation for the services required of them by this act, to be fixed by their respective county courts and paid out of the money arising from the dog tax or county levy; and they and their sureties shall be liable on their official bonds, upon motion in their said courts, for any money received by them, which they may be liable to pay by virtue of this act.

11. The said courts may appoint some fit person in their respective counties to receive from the sheriffs and constables all sums of moneys which they may be liable to pay by virtue of this act, and may take from them bonds with approved sureties, in such penalty as the said courts may deem reasonable, for the faithful discharge of the duties of their trust.

12. Every person so appointed shall be removable at the pleasure of movable.
Their compensa the court, and shall be allowed a reasonable compensation for his services, to be paid out of the money arising from the dog tax or county levy. It shall be his duty to supervise the execution of this law in his county, and to settle, at least once in every year, with the sheriffs and

constables thereof, for all moneys for which they may be accountable by virtue of this act, and to cause all proper proceedings to be instituted

against the defaulting party in case of any default.

13. The money arising on dogs in any county shall constitute a fund Dog tax to be for remunerating the inhabitants thereof for any loss they may sustain fund to pay for sheep destroyed.

by reason of injury done to their sheep by dogs within their county.

14. Upon complaint before a justice by any inhabitant of a county in Complaint of which a tax on dogs shall be levied, that sheep owned by him have been damage to sheep, how enquired destroyed or injured by dogs within his county, the justice shall, by war-into. rant under his hand, appoint not less than two nor more than three discreet freeholders of the county, residing near the place where the injury is alleged to be committed, whose duty it shall be to proceed forthwith, upon actual view and such other information as may be accessible, to ascertain the truth of the complaint and the value of the injury, if any, which has been sustained, and make return thereof, in writing under their hands, together with the warrant of the justice, to the person who may be appointed by the court to receive the taxes levied on dogs for

his county, who shall give a receipt for the same. 15. At the end of every year, or at such time as the court may direct, Receivers rethe person appointed to receive the same shall report to the court the quired to make amount of money in his hands arising from the tay on done for which annual reports. amount of money in his hands arising from the tax on dogs, for which he is accountable, and the amount of all claims against the same, growing out of injuries to sheep for that year, and the persons in whose name such claims are presented, together with any matter specially stated that he may deem pertinent. Any person assessed with a part of the dog tax of the county may except to the said report, and the court shall con-

firm or correct the same, as justice may require.

16. When such report shall be confirmed, and it shall appear that the Claims on fund, fund in hand is sufficient for the satisfaction of all the claims allowed how allowed against it, the court shall order such claim to be paid, by the person hold-and paid. ing the said fund, to the parties respectively entitled thereto; or if the fund be insufficient for that purpose, it shall order the same to be paid to the claimants pro rata, and the deficiency in any year may be supplied out of the receipts of the next.

17. If the person appointed to receive the money arising from the tax Penalty on reon dogs in any county shall fail to return his report to the court in any coiver for falling year, he shall pay a fine of ten dollars, and the like fine may be from time Proceedings to time imposed upon him until he shall discharge that duty. If he fail to against him for account for any money coming to his hands and pay the same according to falling to act the order of the court, such money shall be recoverable of him and his sureties, upon motion, in the name of the commonwealth, for the be-

nefit of the county court or person to whom such payment is due.

18. Fines recovered by virtue of this act shall be paid to the persons Fines, how paid appointed in the several counties to receive the tax assessed in their and applied. counties on dogs, and constitute a part of the fund for the remuneration

of injuries done to sheep.

19. The several county courts may from time to time make such or- Preservation and ders respecting the said fund as may be necessary for the preservation investment of thereof, and may order any surplus that may remain unexpended in any year to be lent out at interest, or cause the same to be disbursed for current county expenses; but in such cases the county shall be accountable When and how therefor, if at any time afterwards the same shall be required for the re-disbursed for county expenses. muneration of injuries done by dogs to sheep in such county.

20. Before any county court shall levy the tax authorized by this act, Question of taxthe sense of the qualified voters of the county shall be taken on the pro- ing dogs to be priety thereof; and to that end, such court shall make an order requiring vote of people. the officers conducting the election in their county, at some general elections for the same, to cause poll books to be opened at the several places of voting in the county, with the columns headed respectively: "For Vote, how taken. the Tax on Dogs," and "Against the Tax on Dogs;" and it shall be the duty of such officers to cause the names of all persons voting for or against the said tax to be entered upon such books. The said officers shall duly certify the said poll books, and within five days from the termination of the election, return the same to the clerk of the said court;

and in reference to the levying of the said tax, the court shall govern itself according to the wishes of the majority of those who shall vote on

the question.

Act not applica-ble to Wheeling or South Wheelinz.

21. This act shall apply only to so much of the county of Ohio as is without the limits of the city of Wheeling and the town of South Wheeling, and only persons residing without those limits shall be entitled to vote or be subject to taxation under this act, or have any benefit from the taxes raised by virtue thereof.

Commencement. 22. This act shall be in force from its passage.

CHAP. 242.—An ACT authorizing an inspection of tobacco in the city of Norfolk.

[Passed May 14, 1852.]

Inspection of tobacco estab city. Regulations. Authority of corporation

1. Be it enacted by the general assembly, That an inspection of tobacco lished in Norfolk be and the same is hereby established in the city of Norfolk, subject to the rules and regulations heretofore prescribed by law for the government of the inspection of tobacco, contained in the Code of Virginia: Provided however, That the powers and duties belonging to the county courts in respect to inspections of tobacco in the counties of this commonwealth, shall be exercised and performed by the corporation court of the city of Norfolk in respect to the inspection of tobacco hereby established.

Commencement.

court.

2. This act shall be in force from its passage.

CHAP. 243.—An ACT authorizing an inspection of tobacco in the town of Portsmouth.

[Passed February 24, 1852.]

Inspection of tobacco established in Portsmouth. Regulations.

1. Be it enacted by the general assembly, That an inspection of tobacco shall be and the same is hereby established in the town of Portsmouth in the county of Norfolk, subject to the rules and regulations heretofore prescribed by law for the government of the inspection of tobacco contained in the Code of Virginia, chapter eighty-seven, title twenty-

Commencement.

2. This act shall be in force from its passage.

CHAP. 244.—An ACT authorizing an inspection of tobacco in the town of Centreville in the county of Monroe.

[Passed May 22, 1852.]

Inspection of tobacco established at Centreville. Regulations.

1. Be it enacted by the general assembly, That an inspection of tohacco shall be and the same is hereby established in the town of Centreville in the county of Monroe, subject to the rules and regulations heretofore prescribed by law for the government of the inspection of tobacco contained in the Code of Virginia, chapter eighty-seven, title twenty-six.

Commencement

2. This act shall be in force from its passage.

CHAP. 245.—An ACT authorizing an inspection of tobacco upon the lands of Robert B. Thompson in Thompsonville in the county of Putnam.

[Passed March 8, 1852.]

Inspection of to-bacco established in Thompson-Regulations.

1. Be it enacted by the general assembly, That an inspection of tobacco shall be and the same is hereby established upon the lands of Robert B. Thompson, in Thompsonville in the county of Putnam, subject to the rules and regulations heretofore prescribed by law for the government of the inspection of tobacco, contained in the Code of Virginia, chapter eighty-seven, title twenty-six.

2. This act shall be in force from its passage. Commencement.

> CHAP. 246.—An ACT to authorize an inspection of tobacco in the town of Ripley in Jackson county.

[Passed May 22, 1852.]

1. Be it enacted by the general assembly, That an inspection of tobacco Inspection of tobacco established shall be and the same is hereby established in the town of Ripley in in Ripley.

the county of Jackson, subject to the rules and regulations heretofore Regulations. prescribed by the Code of Virginia for the government of the inspection of tobacco.

2. This act shall be in force from its passage.

Commencement.

CHAP. 247.—An ACT concerning the schools for indigent children in the county of Hanover. [Passed May 22, 1852.]

1. Be it enacted by the general assembly, That the board of school Daily allowance commissioners of Hanover county may hereafter allow five cents per for teaching poor day for the tuition of each indigent child who may be entered by said Hanover. commissioners at the schools for indigent children in said county.

2. This act shall be in force from its passage.

Commencement.

CHAP. 248.—An ACT to amend an act passed February 27, 1845, entitled "an act to establish a system of free schools in the county of Norfolk." [Passed April 24, 1852.]

1. Be it enacted by the general assembly, That the first and second sec-County, how ditions of the act, entitled "an act to establish a system of free schools in vided into school the county of Norfolk," passed the twenty-seventh day of February one number. thousand eight hundred and forty-five, be re-enacted and amended, See Acts 1844-5, so as to read as follows: The board of school commissioners are p. 30. hereby authorized to cause the county to be laid off into not more than thirty school districts, as nearly equal as practicable in territorial extent, having regard as far as may be to natural and convenient boundaries, and shall report such division, by accurate and well known bounds, to Report and rethe court of Norfolk county, and keep a record of the same in the mi-cord thereof. nutes of said board. And the said board of school commissioners may, Alterations in disfrom time to time, make such alterations in said districts as they may tricts how made. deem necessary and proper.

2. It shall be the duty of the court of Norfolk county, in each and Superintendents every year, to appoint one superintendent of elections for each school of elections. district established by authority of this act. The said superintendents, Notice of elecafter giving at least ten days' notice of the time and place by written tions. advertisement at two or more places within the said district, shall hold School commisa poll, at some convenient place in their respective districts, for three florers; how school commissioners, who shall be voters under this act, entitled to vote many elected.

in such districts. All free white male residents within the distict above Who entitled to the age of twenty-one years, or such of them as appear, who shall have vote. been assessed the year preceding with some portion of the school levy, and shall actually have paid the same, shall be entitled to vote for the election of the commissioners as aforesaid. Each of said superintend- Elections, how ents of election shall certify the result of the poll held by him to the certified and de-

next county court after the election; shall give due notice of their election to the commissioners; and if the greater number of votes be equal for two or more persons, shall determine by lot to which of them he will give the certificate of election. And if from any cause any election au-Provision in case thorized to be held by this act shall not be held at the time appointed, election be not the court of said county shall have power to take such stone as may be held. the court of said county shall have power to take such steps as may be necessary for the holding of said election or elections.

3. This act shall be in force from its passage.

Commencement.

CHAP. 249.—An ACT to establish the Onancock and Pungoteague free school in the county of Accomack. [Passed May 11, 1852.]

1. Be it enacted by the general assembly, That for the purposes herein-Onancock and after set forth, the following portion of the county of Accomack shall Puncotequefree form a district, separate from the other portions of said county, to wit: Beginning at the mouth of Onancock creek, running up the channel of said creek to Warrington's branch; thence down the main county road to Revell's mill; down the race of said mill to Pungoteague creek, down said creek to its mouth; and thence along the shore of Chesapeake bay to the place of beginning aforesaid.

Vote of district upon adopting school system. Who to vote.

Time and place of election.

Who to conduct clection. Return thereof.

School commis-

Who to vote.

sioners.

of one year from the first day of January next after their election. School commissioners incorporated.

Power to hold property.

By-laws.

Schools for districts.

Teachers. Duties of commissioners.

Superintendent and treasurer.

Bond required.

His duties.

Compensation.

How superintendent compelled to pay money received by

2. The county court of Accomack shall order a vote to be taken, in said district, for or against the establishment of a separate free school system, within and for the said district; and every person residing in the said district, qualified under the existing constitution to vote for members of the general assembly, shall be qualified to vote in the election provided for in this section; and the said court shall appoint a day, not exceeding six months after the passage of this act, and a suitable place within said district for holding said election.

3. The said court shall appoint three commissioners, any two of whom may act, whose duty it shall be to hold and conduct said election, and certify the result thereof to the said court, within ten days from the time

of holding the same. 4. If three fifths of the votes be in favor of adopting a separate free sioners, when and how elected, school system within and for the said district, the said court shall have the fact entered on the minutes of their proceedings; and the said court

shall, as soon thereafter as may be, order an election to be held for three school commissioners for said district; and any persons, residents of said district, and qualified as hereinbefore mentioned, may vote for such Term of commis-school commissioners; and the three persons receiving the largest number of votes shall be commissioners for said school district for the space

5. The said school commissioners so elected and their successors shall be a corporation under the name and style of "The Board of School Commissioners for Onancock and Pungoteague Free School in Accomack County;" may sue and be sued as a body politic and corporate, and may take and hold, to them and their successors in office, any property which may be given, granted, bequeathed or devised to them, and which they Amount limited. may purchase, to an amount not exceeding twenty-five thousand dollars, and may adopt such rules and regulations, not contrary to law, as they

may deem necessary for their own good government, and to carry into

effect the provisions of this act. 6. The said school commissioners shall have power to establish, if they deem it necessary, more than one school for said district, at such place or places therein as they think best adapted to the wants and convenience of the scholars in said district; they shall select the teacher or teachers, and have power to dismiss the same; they shall visit the school or schools at least once in every three months, examine the register of each teacher, the condition of each school, and all matters touching the mode of instruction and discipline; and they may suspend any pupil of incorrigibly

bad habits or guilty of gross misconduct. 7. The said board shall appoint a superintendent, who, in addition to

his duties as superintendent, shall act as treasurer and clerk of said He shall give bond, with such security and in such penalty, not board. less than one thousand dollars, as the said board shall approve, payable to said commissioners and their successors, conditioned for the faithful performance of the duties of his office. He shall attend the meetings of the said board of school commissioners, and keep a faithful record of their proceedings. He shall receive, disburse and keep an account of all moneys belonging to the school fund of said district, subject to such orders, rules and regulations as may be prescribed by said board. He shall keep a faithful register of all such children as are entered at school, and supply them with such books, stationery and other things as the said school commissioners may direct; and for his services he shall be allowed by said school commissioners a compensation not exceeding fifty

dollars per annum. 8. If any superintendent for said district, or his personal representative, shall fail to pay any money received by him by virtue of his office when he ought to do so, the same may be recovered by the said board or any teacher entitled to payment from him or by any other person so entitled, by motion or warrant, according to the amount, against said superintendent and his sureties in his official bond, and against his and their personal representatives. On any such warrant or motion, the judgment shall be for the amount which ought to be paid to the plaintiff, with damages, in lieu of interest, at the rate of fifteen per centum per annum, from the time when the same ought to have been paid.

9. In each and every year after the present, the said board of school Meetings of commissioners shall hold their annual meetings within said school dismissioners. trict between the first of January and the first of April, and ascertain the amount necessary to defray the expense of the school or schools for said district; and the said board shall levy a capitation tax upon the School tax. white male inhabitants, and an ad valorem tax upon the property in said district sufficient to raise the necessary amount, provided such amount be not less than two hundred and fifty nor more than seven hundred and fifty dollars per annum; and the amount so raised shall be called the "Onancock and Pungoteague School Fund." The taxes so assessed How collected. shall be collected by the superintendent of said district, who shall have such powers for that purpose as sheriffs have for the collection of county or state taxes.

10. All children over six and under twenty-one years of age, residing What children in said district, shall have the privilege of attending the school or schools may attend

hereby authorized to be established therein.

11. Upon the application in writing of one-third of the qualified voters How school sysin said district to the said board of commissioners, the said board shall tem may be aboorder a vote to be taken in said district for or against abolishing the free lished. school system in said district, upon giving three months' notice of the time and place of such election; and if a majority of the votes cast at

such election shall be for abolishing said free school system, the same shall thereupon cease and determine.

12. The said board of commissioners shall each year, on or before the Report of board first day of October, make a full return of their assessment of property, of commissionand of the collection of taxes by the superintendent; of the number of ors. pupils taught; of the salaries of teachers; of the mode of tuition and grade of instruction, and of the disbursements for the school or schools in said district, to the second auditor of the commonwealth.

13. To aid the said district in supporting the said free school or schools, Literary fund the said board of commissioners shall have power to demand and draw quota applied to the due proportion of said district of the Literary fund distributed to the schools.

county of Accomack.

14. This act shall be in force from its passage.

Commencement.

CHAP. 250.—An ACT to establish a free school district on Chingoteagne island in the county of Accomack.

[Passed May 26, 1852.)

1. Be it enacted by the general assembly, That for the purposes herein- C ingoteague after set forth, that portion of Accomack county, known by the name of tree school dis-"Chingoteague Island," shall form a district separate from the other por-

tions of said county.

2. The county court of Accomack shall order a vote to be taken in Vote on adopting said district for or against the establishment of a separate free school school system. system within and for the said district; and every person residing in the Who to vote. said district, qualified under the existing constitution to vote for members of the general assembly, shall be qualified to vote in the election provided for in this section; and the said court shall appoint a day, not ex- Time and place ceeding six months after the passage of this act, and a suitable place of election. within said district for holding said election.

3. The said court shall appoint three commissioners, any two of whom who to conduct may act, whose duty it shall be to hold and conduct said election, and election, certify the result thereof to the said court within ten days from the time Return thereof.

of holding the same.

4. If three-fifths of the votes be in favor of adopting a separate free School commisschool system within and for the said district, the said court shall have sioners, when the facts entered on the minutes of their proceedings; and the said court shall, as soon thereafter as may be, and from year to year, order an election to be held for three school commissioners for said district; and any Who to vote. persons, residents of said district and qualified as hereinbefore mentioned, may vote for such school commissioners; and the three persons receiving Term of com-the largest number of votes shall be commissioners for said district for missioners. the space of one year from the first day of January next after their

Return of elec-

election; and such person or persons conducting said election shall, within ten days from the same, make returns thereof to the court of said county, and the same shall be entered upon the minutes of their proceedings.

School commissioners incorporated.

Power to hold

property.

Amount limited. By-laws.

Schools for districts.

Teachers.

Duties of commissioners.

Superintendent and treasurer.

Bond required.

His duties.

Compensation.

How superin-tendent compelled to pay money received by him.

Meetings of commissioners.

School tax.

How collected.

What children may attend school.

5. The said school commissioners so elected, and their successors, shall be a corporation under the name and style of "The Board of School Commissioners for Chingoteague Island Free School in Accomack County;" may sue and be sued as a body politic and corporate, and may

take and hold, to them and their successors in office, any property which may be given, granted, bequeathed or devised to them, and which they may purchase, to an amount not exceeding twenty-five thousand dollars; and may adopt such rules and regulations, not contrary to law, as they

may deem necessary for their own good government, and to carry into effect the provisions of this act. 6. The said school commissioners shall have power to establish, if they deem it necessary, more than one school for said district, at such

place or places therein as they think best adapted to the wants and conveniences of the scholars in said district. They shall select the teacher or teachers, fix upon their salaries, and have power to dismiss the same.

They shall visit the school or schools at least once in every three months; examine the register of each teacher, the condition of each school, and all matters touching the mode of instruction and discipline, and they may suspend any pupil of incorrigibly bad habits or guilty of gross misconduct. 7. The said board shall appoint a superintendent, who, in addition to

board. He shall give bond with security, and in such penalty, not less than one thousand dollars, as the said board shall approve, payable to said commissioners and their successors, conditioned for the faithful performance of the duties of his office. He shall attend the meetings of the said board of school commissioners, and keep a faithful record of their proceedings. He shall receive, disburse and keep an account of all moneys belonging to the school fund of said district, subject to such orders, rules and regulations as may be prescribed by said board. He

his duties as superintendent, shall act as treasurer and clerk of said

shall keep a faithful register of all such children as are entered at school, and supply them with such books, stationery and other things as the said school commissioners may direct; and for his services he shall be allowed by said school commissioners a compensation not exceeding fifty dollars per annum. 8. If any superintendent for said district, or his personal representa-

tive, shall fail to pay any money received by him by virtue of his office, when he ought to do so, the same may be recovered by the said board or any teacher entitled to payment from him, or by any other person so entitled, by motion or warrant, according to the amount against said superintendent and his sureties in his official bond, and against his and their personal representatives. On any such warrant or motion, the judgment shall be for the amount which ought to be paid to the plaintiff, with damages, in lieu of interest, at the rate of fifteen per cent. per annum, from the time when the same ought to have been paid.

9. In each and every year after the present, the said board of school commissioners shall hold their annual meetings within said district between the first of January and first of April, and ascertain the amount necessary to defray the expense of the school or schools for said district; and the said board shall levy a capitation tax upon the white male

inhabitants, and an ad valorem tax upon the property in said district, sufficient to raise the necessary amount, provided such amount be not less than two hundred and fifty dollars per annum; and the amount so raised shall be called the "Chingoteague Island School Fund." The taxes so

shall have such powers for that purpose as sheriffs have for the collection of county or state taxes. 10. All children over six and under twenty-one years of age, residing in said district, shall have the privilege of attending the school or schools

assessed shall be collected by the superintendent of said district, who

hereby authorized to be established therein.

11. Upon the application in writing of one-third of the qualified voters How school systof said district to the said board of commissioners, the said board shall tem may be about the said board of commissioners, the said board shall tem may be about the said board of commissioners. order a vote to be taken in said district for or against abolishing the free school system in said district, upon giving three months' notice of the time and place of such election; and if a majority of the votes so ordered to be taken be in favor of abolishing the said free school system, the same shall thereupon cease and determine.

12. The said board of commissioners shall each year, on or before the Report of board first day of January, make a further return of their assessment of pro- of commissionperty and of the collection of taxes by the superintendents; of the number of pupils taught; of the salaries of teachers; of the mode of tuition and grade of instruction, and of the disbursement for the school or

13. To aid the said district in supporting the said school or schools, Literary fund the said board of commissioners shall have power to demand and draw quota applied to the due proportion of said district of the Literary fund distributed to the

schools in said district, to the second auditor of the commonwealth.

county of Accomack.

14. There shall be taught, in said school or schools, reading, writing, What to be arithmetic, English grammar and geography, and, when it is practicable, taught in schools.

such other branches of learning as the said board may require.

15. The teacher of said school or schools shall keep a book, to be fur-Teacher's book, nished by the board, in which he shall register the names and ages of all what to contain, the pupils, the names of the parents or guardians, the dates of their en-ed of. trance in and leaving the school, and the days of their attendance, and also of the visits of the school commissioners. The said book shall be delivered by the teacher, at the end of the year, to the superintendent, with an abstract shewing the length of each session, the number of pupils, male and female, and the aggregate number of days of attendance of the whole. Until he shall do so, one-fourth of his salary shall be withheld.

16. This act shall be in force from its passage.

Commencement.

CHAP. 251.—An ACT to establish a free school district on Saxes Island in the county of Accomack. [Passed June 2, 1852.]

1. Be it enacted by the general assembly, That for the purposes here- Saxes Island free inafter set forth, that portion of Accomack county known by the name school district. of "Saxes Island," shall form a district separate from the other portions of said county.

2. The county court of Accomack shall order a vote to be taken in vote on adopting said district for or against the establishment of a separate free school school system. system within and for said district. All persons qualified under the exist- Who to vote. ing constitution to vote for members of the general assembly shall be qualified to vote in the election provided for in this section, and the said Time and place court shall appoint a day, not exceeding six months after the passage of of election. this act, and a suitable place within said district for holding said elec-

The said court shall appoint three commissioners, any two of whom who to conduct may act, whose duty it shall be to hold and conduct said election, and election.

Return thereof. certify the result thereof to the said court within ten days from the time

of holding the same.

4. If a majority of the votes be in favor of adopting a separate free school commisschool system within and for the said district, the said court shall have stoners, when the facts entered on the minutes of their proceedings; and the said court and how elected. shall, as soon thereafter as may be, and from year to year, order an election to be held for three school commissioners for said district; and any Who to vote. persons resident of said district and qualified as hereinbefore mentioned, may vote for such school commissioners, and the three persons receiving the largest number of votes shall be commissioners for said school dis-Term of comtrict for the space of one year from the first day of January next after missioners. their election. And such person or persons conducting said election Return of elecshall, within ten days from the same, make returns thereof to the court of tion. said county; and the same shall be entered upon the minutes of their proceedings.

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be a corporation under the name and style of "The Board of School

Commissioners for Saxes Island Free School in Accomack County;" may

5. The said school commissioners so elected and their successors shall

School commissioners incorpo-

Power to hold property.

Amount limited. By-laws.

sue and be sued as a body politic and corporate, and may take and hold to them and their successors in office any property which may be given, granted, bequeathed or devised to them, and which they may purchase, to an amount not exceeding twenty-five thousand dollars; and may adopt such rules and regulations, not contrary to law, as they may deem necessary for their own good government, and to carry into effect the provisions of this act.

Schools for dis-

Teachers.

Duties of commissioners.

Superintendent and treasurer.

Bond required.

His duties.

Compensation.

How superintendent compelled to pay money received by him.

Meetings of commissionera.

School tax.

How collected.

What children may attend schools.

lished.

6. The said school commissioners shall have power to establish, if they deem it necessary, more than one school for said district, at such place or places therein as they think best adapted to the wants and conveniences of the scholars in said district. They shall select the teacher or teachers, fix upon their salaries, and have power to dismiss the same; shall visit the school or schools at least once in every three months; examine the register of each teacher, the condition of each school, and all matters touching the mode of instruction and discipline; and they may sus-

pend any pupil of incorrigibly bad habits or guilty of gross misconduct. 7. The said board shall appoint a superintendent, who, in addition to his duties as superintendent, shall act as treasurer and clerk of said board. He shall give bond with such security and in such penalty, not less than one thousand dollars, as the said board shall approve, payable to said commissioners and their successors, conditioned for the faithful performance of the duties of his office. He shall attend the meetings of

the said board of school commissioners, and keep a faithful record of their proceedings. He shall receive, disburse and keep an account of all moneys belonging to the school fund of said district, subject to such orders, rules and regulations as may be prescribed by said board. He shall keep a faithful register of all such children as are entered at school, and supply them with such books, stationery and other things as the said school commissioners may direct; and for his services he shall be allowed by said school commissioners a compensation not exceeding fifty dollars per annum.

8. If any superintendent for said district, or his personal representative, shall fail to pay any money received by him by virtue of his office, when he ought to do so, the same may be recovered by the said board or any teacher entitled to payment from him or by any other person so entitled, by motion or warrant, according to the amount against said superintendent and his sureties in his official bond, and against his or their personal representatives. On any such warrant or motion, the judgment shall be for the amount which ought to be paid to the plaintiff with damages, in lieu of interest, at the rate of fifteen per cent per annum, from the time when the same ought to have been paid.

9. In each and every year after the present, the said board of school

commissioners shall hold their annual meetings within said district between the first of January and first of April, and ascertain the amount necessary to defray the expense of the school or schools for said district; and the said board shall levy a capitation tax upon the white male inhabitants, and an ad valorem tax upon the property in said district, sufficient to raise the necessary amount, provided such amount be not less than two hundred and fifty dollars per annum; and the amount so raised shall be called "The Saxes Island School Fund." The taxes so assessed shall be collected by the superintendent of said district, who shall have such powers for that purpose as sheriffs have for the collection of county

or state taxes. 10. All children over six and under twenty-one years of age, residing in said district, shall have the privilege of attending the school or schools hereby authorized to be established therein.

How school sys- 11. Upon the application in writing or one-time to tem may be abo of said district to the said board of commissioners, the said board shall the said district for or against abolishing the free school system in said district, upon giving three months' notice of the time and place of such election.

12. The said board of commissioners shall each year, on or before the Report of board first day of January, make a full return of their assessment of property of commissionand of the collection of taxes by the superintendent; of the number of pupils taught; of the salaries of teachers; of the mode of tuition and grade of instruction, and of the disbursements for the school or schools

in said district, to the second auditor of the commonwealth. 13. To aid the said district in supporting said school, the said board of Literary fund commissioners shall have power to demand and draw the due proportion quota applied to of said district of the Literary fund distributed to the county of Acco-

mack.

14. There shall be taught, in said school or schools, reading, writing, what to be arithmetic, English grammar and geography, and when it is practicable, taught in schools.

such other branches of learning as the said board may require.

15. The teachers of said school or schools shall keep a book, to be Teachers' book; furnished by the board, in which he shall register the names and ages of what to contain. all the pupils, the names of the parents or guardians, the date of their and bowdisposentrance in and leaving the school, and the days of their attendance, and also the visits of the school commissioners. The said book shall be delivered by the teacher, at the end of the year, to the superintendent, with an abstract shewing the length of each session, the number of pupils, male and female, and the aggregate number of days of attendance of the whole. Until he shall do so, one-fourth of his salary shall

be withheld. 16. This act shall be in force from its passage.

Commencement

CHAP. 252.—An ACT to authorize the sale of a house and lot belonging to a school district in the county of Monroe.

[Passed February 27, 1852.]

1. Be it enacted by the general assembly, That A. M. Hawkins, Spencer Sale of house R. Hill, Edmund Leach, John McCarty and Alexander Leach of the and lot of school county of Monroe be and they are hereby authorized to sell a certain roe county. house and lot belonging to the school district in said county, and to Proceeds, how appropriate the proceeds thereof to the purchase of a lot and the applied. erection thereon of a schoolhouse, for the use of said district, at or near Rocky Point; or the above named commissioners, if a majority of them shall decide as best, are authorized to sell the said lot, and remove the said house to or near to Rocky Point, and appropriate the proceeds of the sale of said lot both to the purchase of another lot and to the fitting up and improvement of the said house as a schoolhouse for the said district. But the commissioners shall have no power to act until they Commissioners or a majority of them shall have executed and filed in the clerk's office to give bond. of Monroe county a bond, payable to the commonwealth, and conditioned for the faithful application of the proceeds of sale, in such penalty and with such security as the clerk of said county shall, by endorsement on the bond, declare to be sufficient.

2. This act shall be in force from its passage.

Commencement.

CHAP. 253.—An ACT to transfer the funds of the Hampton academy to the free school fund of Elizabeth City county.

[Passed June 3, 1852.]

1. Be it enacted by the general assembly. That from and after the first runds of Hampday of September next, the funds of the Hampton academy in the ton academy county of Elizabeth City shall be under the management and control free school fund of the school commissioners of said county; and the said school com- of county.

missioners are hereby authorized and required to appropriate the annual interest on the said funds to the support of the free school system already established in said county, and to use for said object the academy buildings and other property and appurtenances of said building new held by the trustees of said academy; and all powers conferred on the said trustees by an act of the general assembly passed January twenty-ninth, eighteen hundred and six, entitled "an act to amend and explain the act concerning certain free school lands in the county of Elizabeth City," shall cease and determine from and after the first day

of September next: Provided, That nothing in this act shall be so construed as to authorize to disturb the investment of the said fund now existing, unless, in the opinion of the said school commissioners, a change of said investment shall be necessary for the security of said fund.

Powers vested in school commis-

2. All the powers prescribed by the first section of the act last aforesaid shall be and are hereby transferred to and vested in the said school commissioners to enable the same to effect the provisions of this act.

Province.

3. Provided, That the trustees of the said academy pay all just claims against the same, including what may have been paid by individuals for materials for enlarging the academy building and lot, over and above the subscription of such individuals for that purpose, when the said claims shall be properly verified before the division of the academy fund, as provided in this act.

Commencement.

4. This act shall be in force from the first day of September next.

CHAP. 254.—An ACT authorizing the Valley Union education society of Vir-· ginia to confer collegiate degrees.

[Passed June 2, 1852.]

Power to esta-blish scholarships and confer degrees.

1. Be it enacted by the general assembly, That the Valley Union education society of Virginia be and they are hereby empowered to establish scholarships and confer such degrees as may be prescribed by the regulations of the said society.

CHAP. 255.—An ACT to authorize the trustees of the Meade collegiate institute to change the location of the said institute. [Passed February 17, 1852.]

1. Be it enacted by the general assembly, That it shall be lawful for the trustees of the Meade collegiate institute to change the location of the said institute from the county of Wood and establish the same in the county of Brooke at or near Wellsburg.

Commencement.

Location of Meade colle

changed.

giate institute

2. This act shall be in force from its passage.

CHAP. 256.—An ACT to authorize the trustees of the Brooke academy to transfer their property to the Meade collegiate institute.

[Passed May 4, 1852.]

Property of institute.

1. Be it enacted by the general assembly, That the trustees of the Brooke academy Brooke academy are hereby authorized to transfer and convey to the Meade collegiate Meade collegiate institute all or any of the property belonging to the said academy, on such terms and conditions as they may deem expedient.

Commencement.

2. This act shall take effect from its passage.

CHAP. 257.—An ACT incorporating the Wesleyan male collegiate institute in the town of Harrisonburg.

[Passed May 3, 1852.]

Wesleyan male collegiate insti-tute incorporated.

1. Be it enacted by the general assembly, That the Reverend A. A. Reese, Samuel Register, John W. Hedges, R. D. Chambers, T. Hildebrand, John W. Kelly, John S. Effinger, A. McGilveay, Joseph H. Shue, John R. Plecker, Adam Rader and William Rice be and they are hereby constituted a body politic and corporate by the name and style of "The Trustees of the Wesleyan Male Collegiate Institute;" and by that name shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, with power to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be purchased by or be devised or given to them for the use of said institute; and to lease, sell, rent or otherwise dispose of the same, in such manner as shall

Corporate powers.

Property limited, seem most conducive to the interests of said institute: Provided, That the lands, goods and chattels so authorized to be held shall not exceed, in amount or value, the sum of thirty thousand dollars: And provided further, That the majority of said trustees, or their successors, may at any time hereafter increase the number of trustees to twenty, and that not less than a majority of the trustees for the time being shall be suffi- Sale of real escient to authorize the sale or mortgage of any real estate belonging to tate. said institute.

2. The said trustees and their successors shall have power to appoint officers, how apa president, treasurer, tutors and such other officers as they may deem pointed. proper, and to make and establish, from time to time, such by-laws, By-laws. rules and regulations, not contrary to the laws of this state or of the United States, as they may judge to be proper for the good government of said institute. A majority of the trustees shall constitute a board for Board of trustees the transaction of business; and any vacancy or vacancies amongst the constituted. trustees, occasioned either by death, resignation, removal from the county

or other disability, shall be supplied by appointment of the board.

3. The treasurer shall receive all moneys accruing to the institute, or Duties of treaproperty delivered to his care, and shall pay or deliver the same to the surer. order of the board. Before entering upon the discharge of his duties, Bond required. he shall give bond, with such security and in such penalty as the board may direct, made payable to the trustees for the time being, and their successors, conditioned for the faithful performance of his duty, under such rules and regulations as may be adopted by the board; and it shall Penalty, how be lawful for the trustees to obtain a judgment for the amount thereof, or coverable. for any special delinquency incurred by said treasurer, on motion in any court of record in this commonwealth, against the said treasurer and his security or securities, his or their executors or administrators, upon giv-

ing ten days' notice of such motion. 4. The said board of trustees shall have the power, either by them-Subscriptions. selves or their agents, to take and to receive subscriptions for said institute, and in case any person shall fail to pay his or her subscription, to How enforced. enforce the payment thereof by warrant before a magistrate, or by motion in any court of record in this commonwealth, according to the amount of such subscription, giving ten days' notice of such motion.

5. This act shall be in force from the passing thereof.

Commencement.

CHAP. 258.—An ACT to incorporate the Educational Society of Western Virginia. [Passed May 27, 1852.]

1. Be it enacted by the general assembly. That Nathan Goff, Charles Educational So-Lowis, Walter Ebert, Moses Titchenell, Alexander Martin and Samuel ciety of Western B. Dawson of the county of Harrison be and they are hereby constituted a body politic and corporate by the name and style of "The Educational Society of Western Virginia;" and by that name shall have per-Corporate petual succession and a common seal, may sue and be sued, plead and powers. be impleaded, with power to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may have been or may be purchased by or devised or given to them for the use of the said society; and to lease, sell, rent or otherwise dispose of the same, in such manner as shall seem most conducive to the advantage of said society: Provided, That the Property limited. lands, goods and chattels so authorized to be held shall not exceed in amount or value the sum of fifty thousand dollars: And provided, That not less than a majority of the trustees for the time being shall be sufficient to authorize the sale or mortgage of any real estate belonging to mid society.

2. The said trustees and their successors shall have power to appoint Officers, how a president, treasurer, librarian, tutors and such other officers as they appointed. may deem necessary, and to endew a professorship or professorships in Endowment of such college, academy or seminary of learning in Western Virginia, as professorships in they may select, after having first obtained the concurrence, approbation and consent of two-thirds of all the trustees of any such college, academy or seminary of learning, by an order for that purpose being first duly entered on the minutes or record of the proceedings of the board of trustees of such college, academy or seminary of learning, so proposed to be endowed by them in the manner provided as aforesaid; and also to By laws. make and establish from time to time such by-laws, rules and regula-

Board of trustees constituted.

tions, not contrary to the laws of this state or of the United States, as they may deem necessary for the good government of said society. A majority of the trustees shall constitute a board for the transaction of business; and any vacancy or vacancies amongst the trustees, occasioned by death, resignation, removal from the county or legal disability, shall be supplied by appointment of the board.

Duties of trea-

Bond required.

3. The treasurer shall receive all moneys accruing to the society and property delivered to his care, and shall pay or deliver the same to the order of the board. Before entering on his duties, he shall give bond, with such security and in such penalty as the board may direct, made payable to the trustees for the time being, and their successors, and conditioned for the faithful discharge of his duty, under such rules and regu-

Penalty, how re. lations as may be adopted by the board; and it shall be lawful for the coverable. said trustees to obtain a indement for the said trustees to obtain a judgment for the amount thereof, or for any special delinquencies incurred by said treasurer, on motion, in the circuit court of Harrison county, against the said treasurer and his securities, his or their executors or administrators, upon giving ten days' notice of

Control over

4. The legislature reserves to itself the right to repeal, change or modify this act.

Commencement

5. This act shall be in force from its passage.

CHAP. 259.—An ACT incorporating the Farmville institute in the county of Prince Edward.

[Passed May 3, 1852.] 1. Be it enacted by the general assembly, That F. N. Watkins, C. C. Read, Joseph E. Venable, J. W. Dunnington and B. M. Robertson be

and they are hereby constituted a body politic and corporate by the name and style of "The Farmville Institute in the County of Prince Edward;" and by that name shall have perpetual succession and a common seal,

may sue and be sued, plead and be impleaded, with power to purchase, receive and hold, to them and their successors forever, any lands, tene-

Farmville institute incorporated.

Corporate powers.

ments, rents, goods and chattels of what kind soever, which have been or may be purchased by or devised or given to them for the use of the said institute, and to lease, sell, rent or otherwise dispose of the same in such manner as shall seem most conducive to the advantage of said insti-Property limited. tute: Provided, That the lands, goods and chattels so authorized to be held shall not exceed in amount or value the sum of two thousand dollars: And provided, That not less than a majority of the trustees for the time being shall be sufficient to authorize the sale or mortgage of any real estate belonging to said institute.

2. The said trustees and their successors shall have power to appoint

a president, treasurer, librarian, tutors and such other officers as they

Sale of real estate.

Officers, how appointed.

By-laws.

Board of trustees

constituted.

Duties of treasurer.

Bond required.

Penalty, how recoverable.

may deem necessary, and to make and establish from time to time such by-laws, rules and regulations, not contrary to the laws of this state or of the United States, as they may deem necessary for the good government of said institute. A majority of the trustees shall constitute a board for the transaction of business; and any vacancy or vacancies among the trustees, occasioned by death, resignation, removal from the county, or legal disability, shall be supplied by appointment of the board.

3. The treasurer shall receive all moneys accruing to the institute and property delivered to his care, and shall pay or deliver the same to the order of the board. Before entering on his duties, he shall give bond with such security and in such penalty as the board may direct, made payable to the trustees for the time being, and their successors, conditioned for the faithful discharge of his duty, under such rules and regulations as the board may adopt; and it shall be lawful for the said trustees to obtain a judgment for the amount thereof, or for any special delinquencies incurred by said treasurer, on motion, in the county court of Prince Edward, against the said treasurer and his securities, his or their executors or administrators, upon giving ten days' notice of such motion.

Commencement. 4. This act shall be in force from its passage. CHAP. 260.—An ACT incorporating the Clover Hill academy in the county of Chesterfield.

[Passed June 2, 1852.]

1. Be it enacted by the general assembly, That James H. Cox, John R. Clover Hill aca. Walke, R. P. Grymes, R. H. Hobson, R. M. Thweatt, John W. Walke, demy incorporation of the demy politic and corporate by the name and style of "The Clover Hill Academy in the County of Chesterfield;" and by that name Corporate shall have perpetual succession and a common seal, may sue and be sued, powers. plead and be impleaded, with power to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which have been or may be purchased by or devised or given to them for the use of the said academy, and to lease, sell, rent or otherwise dispose of the same in such manner as shall seem most conducive to the advantage of the academy: Provided, That Property limited, the lands, goods and chattels so authorized to be held shall not exceed in Real estate, how amount the value of ten thousand dollars: And provided also, That not less than a majority of the trustees for the time being shall be sufficient to authorize the sale or mortgage of any real estate belonging to the said

2. The said trustees shall have power to appoint a president, treasurer, Officers, how librarian, tutors and such other officers as they may deem necessary, and sppointed. to make and establish from time to time such by-laws, rules and regu-By-laws. lations, not contrary to the laws of this state or of the United States, as they may deem necessary for the good government of the said academy.

A majority of the trustees shall constitute a board for the transaction of Board of trustees, business, and any vacancy or vacancies amongst the trustees, occasion-how constituted ed by death, resignation, removal from the county, or legal disability,

shall be supplied by appointment of the board.

3. The treasurer shall receive all moneys accruing to the academy Duties of treasured property delivered to his care, and shall pay or deliver the same to surer. the order of the board. Before entering on the discharge of his duties, Bond required he shall give bond with security, and in such penalty as the board may direct, made payable to the trustees for the time being and their successors, and conditioned for the faithful discharge of his duty, under such rules and regulations as may be adopted by the board; and it shall be Penalty, how lawful for the said trustees to obtain a judgment for the amount thereof, recoverable. or for any special delinquencies incurred by said treasurer, on motion, in the circuit court of Chesterfield county, against the said treasurer and his securities, his or their executors or administrators, upon giving ten days' notice of said motion.

4. The legislature reserves the right to modify or repeal this act at Control over pleasure.

5. This act shall be in force from its passage.

Commencement

CHAP. 261.—An ACT to incorporate the Fairmont academy in the county of Marion.

[Passed February 17, 1852.]

1. Be it enacted by the general assembly, That the owners of the stock Fairmont acahereinafter authorized to be subscribed shall be and they are hereby demy incorporate and constituted a body politic and corporate by the name of "The Fairmont Academy," for the purpose of establishing and conducting a seminary of learning in the county of Marion; by which name the said Corporate body politic shall have perpetual succession, and may sue and be sued, powers. contract and be contracted with, have, use and alter a common seal, and acquire, receive, hold, posses, enjoy, manage and dispose of lands, tenements, goods, chattels and moneys for the purposes of said seminary: Provided, That it shall not at any time own more than two acres of land Property limited in the town of Fairmont, and twenty acres of land in the county of Marion or elsewhere.

2. The capital stock of said body politic shall not be less than one Capital. thousand nor more than ten thousand dollars, and shall be in shares of twenty-five dollars each, which shall be deemed personal estate, and Transfer of stockshall be transferable only on the books of the corporation.

Subscriptions, by whom and how taken.

3. John J. Moore, E. L. Boydston, A. F. Haymond, William D. Eyster, F. H. Pierpont, M. Campbell, A. S. Hayden, Benjamin Fleming and T. S. Haymond of Marion county, or any three of them, may open books and receive subscriptions for the capital stock aforesaid, until forty shares shall be subscribed for; and the residue of the said capital stock may be subscribed for as the board of trustees shall direct.

tion of trustees.

Meeting for elec. When forty shares shall have been subscribed for, the said John J. Moore, E. L. Boydston, A. F. Haymond, William D. Eyster, F. H. Pierpont, M. Campbell, A. S. Hayden, Benjamin Fleming and T. S. Haymond, or any three of them, shall call a meeting of the subscribers to elect a board of trustees, and notify the subscribers of the time and place thereof.

Board of trustees constituted.

4. The affairs of said body politic shall be managed by a board of trustees consisting of nine persons, of whom five shall be a quorum.

How elected; term of office.

5. The stockholders shall elect the board of trustees from among themselves, and the board shall continue in office for one year, and until their successors shall be appointed. An election shall be held annually on the first Monday of January, or as soon thereafter as a meeting of the stockholders can be held, but a failure to hold any election shall not

stockholders.

Ratio of votes of dissolve the corporation. Every share of stock shall entitle the stockholders to one vote in all questions and elections, which votes may be given in person or by proxy. At any meeting of the stockholders a majority of the shares subscribed for being represented in person or by

equisitions on ubscribers. Proceedings against delin-

quente.

proxy shall constitute a quorum.

6. The board of trustees may require payment of the stock subscribed for from time to time, and may require payment in money or property for the purposes of the corporation; and if any default be made in paying any installment required by the board to be paid on the stock, after notice of such requisition, the same may be recovered on motion in any court of record for Marion county, after ten days' notice of such motion.

Vacancies supplied.
Officers, how appointed. By-laws.

7. The board of trustees may supply vacancies in their own body; may appoint and employ all such agents, officers, teachers and servants as they may deem proper; and may make any lawful by-laws, rules and regulations respecting the affairs of the corporation which they may approve, not inconsistent with the laws of this commonwealth or of the United States, but the stockholders may amend or alter such by-laws, rules and regulations.

Property, how held.

8. All property of said body politic shall be bona fide held for purposes of education.

Commencement.

9. This act shall be in force from its passage.

CHAP. 262.—An ACT incorporating the St. Mary's female academy and orphan asylum in the city of Norfolk.

[Passed May 22, 1852.]

St. Mary's female 1. Be it enacted by the general assembly, That Alexander L. Hitsenber-academy and or ger, Henry B. Reardon, Alexander Feret, Francis L. Higgins, Robert phan asylum of W. Bowden and Hunter Woodis be and they are hereby appointed trustees of Saint Mary's female academy and orphan asylum in the city of Norfolk, instituted for the support and education of destitute female orphan children; and for the better government and security thereof, are hereby incorporated by the name and style of "The Saint Mary's Female Academy and Orphan Asylum in the City of Norfolk;" and by this

· Corporate powers.

Regulations.

name and style shall have perpetual succession, a common seal, and Property limited, power to take and hold property, real and personal, to the amount of thirty thousand dollars, and to make conveyances of the same for the benefit and use of said institution. And the said corporation is hereby invested with all the rights, powers and privileges, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, applicable to such corporations, and not inconsistent with this act.

2. Three members of the board of trustees shall constitute a quorum Quorum of trusfor the transaction of all business except the transfer of real estate, in

which case it shall require the presence and concurrence of the whole

3. The said trustees shall have power, conformably to their regula- Apprenticeship tions, to bind out such poor orphan children as they may have taken un-other children. der their care; and also that they may bind such children as may be other children. committed to them by their parents: the indentures of apprenticeship to be executed by the board of trustees, or either one of them, on behalf of the said corporation: Provided, That the court of hustings for the city of Norfolk shall have the same superintendence over the conduct of the persons to whom such children shall be bound, and over said apprentices, as is given by law in other cases of apprentices.

4. It shall be lawful for the said corporation to establish, in connection Power to estabwith the said orphan asylum, schools for the daily attendance of children lish schools. whose parents or guardians are or may be unable to pay for their instruction, or whose parents or guardians may contribute towards the support of the asylum, under such regulations as may be prescribed by the by-

laws.

5. The right is hereby reserved to the general assembly to modify or Control over repeal this act at pleasure.

6. This act shall be in force from its passage.

Commencement.

CHAP. 263.—An ACT incorporating the Taylorsville academy in the county of Patrick.

[Passed February 10, 1852.]

1. Be it enacted by the general assembly, That John Rangeley, Henry Taylorsville aca-Lane, Samuel G. Staples, Joseph Bishop, senior, John D. Cheatham, demy incorpo-Benjamin J. Campbell and James Rangeley be and they are hereby constituted a body politic and corporate by the name and style of "The Taylorsville Academy in the County of Patrick;" and by that name shall Corporate have perpetual succession and a common seal, may sue and be sued, powers. plead and be impleaded, with power to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which have been or may be purchased by or devised or given to them for the use of the said academy, and to lease, sell, rent or otherwise dispose of the same in such manner as shall seem most conducive to the advantage of said academy: Provided, That the Property limited. lands, goods and chattels so authorized to be held shall not exceed in amount or value the sum of five thousand dollars: And provided, That Real estate, how not less than a majority of the trustees for the time being shall be suffi-disposed of. cient to authorize the sale or mortgage of any real estate belonging to said academy.

2. The said trustees and their successors shall have power to appoint officers and a president, treasurer, librarian, tutors and such other officers as they teachers, how may deem necessary, and to make and establish from time to time such by-laws, rules and regulations, not contrary to the laws of this state or By-laws. of the United States, as they may deem necessary for the good government of said academy. A majority of the trustees shall constitute a Quorum of trusboard for the transaction of business, and any vacancy or vacancies tees. amongst the trustees, occasioned by death, resignation, removal from Vacancies filled. the county, or legal disability, shall be supplied by appointment of the

beard.

3. The treasurer shall receive all moneys accruing to the academy Duties of treaand property delivered to his care, and shall pay or deliver the same to surer. the order of the board. Before entering on his duties, he shall give bond Bond required. with security, and in such penalty as the board may direct, made payable to the trustees for the time being and their successors, and conditioned for the faithful discharge of his duty, under such rules and regulations as may be adopted by the board; and it shall be lawful for the Remedy against said trustees to obtain a judgment for the amount thereof or for any spe- him for default. cial delinquencies incurred by said treasurer, on motion, in the circuit court of Patrick county, against the said treasurer and his securities, his or their executors or administrators, upon giving ten days' notice of such motion.

4. The legislature reserves the right to repeal or modify this act at pleasure.

5. This act shall be in force from its passage.

CHAP. 261.—An ACT to incorporate the West Union academy in the county of Doddridge.

[Percel April 16, 1852.]

Subscriptions, where and b

Capital.

1. Be it enacted by the general assembly. That for the purpose of establishing a seminary of learning in the town of West Union in the county of Doddridge, it shall be lawful to open books for receiving subscriptions to the amount of twenty thousand dollars, in shares of afteen dollars each; the said books to be opened at West Union, under the direction of William F. Randolph, Ethelbert Bond, John S. Davis, Ezekiel Bee, Joseph Jeffrey, Abel P. Bond and Eliona Davis, or any four of them, and at such other places and under the direction of such other persons as the said commissioners or any four of them may

2. Whenever seventy shares of the said stock shall be subscribed, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a company by the name and style of "The West Union Academy;" by which name they shall have perpetual succession, may sue and be sued, contract and be contracted with, and have, use and alter a common seal, with power to purchase, take and hold lands, tenements, goods, chattels and moneys for the use and benefit of such academy.

3. A general meeting of the stockholders for the election of a board of trustees shall be held in the town of West Union so soon after the subscription of the said forty shares as shall be convenient, at such time and place as the said trustees or a majority of them may appoint, and annually thereafter.

Notice to be given Meetings, how constituted.

Votes of stockbolders.

4. Two weeks notice at least shall be given of all general meetings of general meet of the stockholders: said notice to be given in such manner as the trustees may appoint; and to constitute a quorum, a majority of the shares subscribed must be represented, but a less number may adjourn from day to day until a quorum be obtained. And in all such general meetings each stockholder may in person or by proxy give the following vote on the stock held by him, to wit: One vote for each share of said stock not exceeding six; one vote for every two shares of said stock over six and not exceeding twelve; and one vote for every four shares over twelve and not exceeding twenty-four; and one vote for every ten shares exceeding twenty-four.

Board of trus-toes; tistir terms of office.

Quorum.

5. The affairs of said corporation shall be managed by a board of trustees consisting of five persons, to be elected by the stockholders in general meeting, and to continue in office one year, or until their successors be appointed; any three of which trustees shall be a quorum for the transaction of business.

Officers and teachers, how appointed. Power to make contracts.

Requisitions on stockholders.

6. The trustees or a majority of them shall choose by ballot a president, secretary and treasurer, and such other officers, teachers, agents or servants as they shall deem necessary, and shall have power to make such contracts as they may consider conducive to the interests of the academy, and to require the subscribers to the stock of the academy to pay in the stock, by them severally subscribed, to the treasurer at such times and in such installments as they shall specify: Provided, That the said trustees shall not sell or dispose of any real estate belonging to said academy, unless the consent of a majority of the shareholders be first had and obtained at some general meeting thereof.

Duty of tres-

Bond required.

7. The treasurer shall receive all moneys accruing to the academy and property delivered to his care, and shall pay or deliver the same to the order of the board. Before entering upon his duties he shall give bond, with security in such penalty as the board may direct, made payable to the trustees for the time being and their successors, and conditioned for the faithful discharge of his duties, under such rules and Remedy against regulations as may be adopted by the board; and it shall be lawful for the said trustees to obtain a judgment for the amount thereof, or any

special delinquencies incurred by said treasurer, on motion, in the circuit court of Doddridge county, against the said treasurer and his securities, his or their executors or administrators, upon giving ten days' notice of said motion; and in case any stockholder shall fail to pay any sub-Remedy against scription or installment due from him or her to said academy, when delinquent stock-thereto required as hereinbefore provided for, after notice to the sub-holders. scriber of such requisition, the same may be recovered in any court of

record in Doddridge county, in like manner and on like notice.

8. The said board of trustees may supply vacancies in their own Vacancies supbody, and make such by-laws, rules and regulations respecting the plied.

By-laws. affairs of the corporation, as they may approve, not inconsistent with the constitution and laws of this commonwealth or of the United States: but a majority of the stockholders at any general meeting may amend, alter or repeal such by-laws, rules and regulations, or any of them.

9. The president shall preside over the proceedings of the trustees, President of and in his absence a chairman pro tempore may be chosen to preside at board. such meeting. The said trustees shall keep a full and fair record of Record of protheir proceedings in a suitable book to be provided for the purpose: the ceedings. record of the proceedings of each meeting to be signed by the chairman

or chairman pro tempore.

10. The capital stock of said seminary shall be deemed personal stock deemed estate, and shall pass and descend in the same manner, and shall be personal estate transferable on the books of such seminary in such form as the by-laws shall prescribe; and any debt which any stockholder may owe said Liens on stock. academy, being arrearages upon his stock, shall constitute a lien upon the same until such debt be paid.

11. Extra meetings of the stockholders may be convened at any time Extra meetings, by order of the hoard of trustees, or by any number of stockholders how called. holding together twenty shares of stock or more. Notice of such Notice of meet-

meeting to be given in the manner hereinbefore prescribed. 12. This act shall be in force from its passage.

Commencement.

CHAP. 265.—An ACT to incorporate the Wheeling female academy. [Passed April 12, 1852.]

1: Be it enacted by the general assembly, That the holders of the stock Wheeling female hereinafter authorized to be subscribed are hereby created a corporation academy incorby the name of "The Wheeling Female Academy," for the purpose of porated educating females in the city of Wheeling or county of Ohio.

2. The capital stock of the said corporation shall be not less than two Capital. thousand dollars nor more than twenty thousand dollars, in shares of twenty dollars each; and when two thousand dollars shall have been

subscribed, the subscribers shall be and stand incorporated.

3. Matthew H. Houston, Michael Reilly, Simon P. Hullihen, Jacob Subscriptions, Kiger and N. Crawley are hereby appointed commissioners (any three of where and by whom may act) to receive subscriptions to said capital stock; and for whom taken. that purpose they may open books at such time and place in the city of Wheeling as they shall deem proper, after ten days' public notice, and may close such books and call a meeting of the subscribers at any time, General meeting, whenever two thousand dollars at least shall have been subscribed, giv-how called. ing either personal notice to the subscribers, or at least ten days' public notice of the time and place of such meeting.

4. The said corporation may hold, for the purposes thereof, not ex- Real estate cooding one acre of land in the said city, or ten acres of land elsewhere limited.

in the county of Ohio.

 The affairs of said corporation shall be managed by a board of five Board of direcdirectors, who shall held office for one year, and until their successors tors, how and are elected. The times, places and manner of electing directors may be when elected. prescribed by the by-laws. The directors may elect one of their num- President. ber as president, to discharge such duties as the by-laws shall prescribe.

6. The said corporation shall be subject to the provisions of the Code Corporation subof Virginia, so far the same are consistent with the provisions of this ject to provisions act, and the property thereof, held for the purposes of education, shall Exempt from be exempt from taxation.

7. This act shall be in force from its passage.

CHAP. 266.—An ACT to incorporate the Guyandotte lyceum.

[Passed April 16, 1852.]

Guvandotte

1. Be it enacted by the general assembly, That George P. Clark, L. M. lyceum incorpo- Notcott, W. W. Holderby, E. A. Smith, P. C. Buffington, H. C. Whitney, P. M. Clarke, Saint Mark Pensill and all others who now or hereafter may become members of the society, be and they are hereby incorporated and made a body politic under the name and style of "The Guyandotte Lyceum."

Property limited.

2. The said corporation shall at no one time hold and possess lands, goods and chattels of a greater amount or value than ten thousand dollars

Control over charter.

3. The legislature reserves the right to modify or repeal this act at pleasure.

Commencement.

4. This act shall be in force from its passage.

CHAP. 267.—An ACT to revive and amend the charter of the Wheeling athæneum.

[Passed June 1, 1852.]

Presmble.

Whereas the act to incorporate the Wheeling athæneum, passed the third day of April eighteen hundred and forty-eight, has expired without

Wheeling atherneum incorpo-

a company having been organized by virtue thereof:

1. Be it enacted by the general assembly, That the said act is hereby revived, amended and re-enacted as follows: The holders of the stock

Their property.

hereinafter authorized to be subscribed are hereby made a corporation by the name of "The Wheeling Athaneum," for the purpose of acquiring land and building a house or houses thereon in the city of Wheeling, to be used, in whole or in part, for literary or benevolent purposes, and with authority to lease so much thereof as may not be required for the occupancy or use of the corporation. But the said corporation shall not own at one time more than one acre of land. 2. The capital stock of the said corporation shall be not less than two

Capital.

thousand dollars nor more than thirty thousand dollars, divided into Subscriptions by shares of ten dollars each; and subscriptions for such stock may be re-whom received ceived under the direction of Francis W. Bassett, David Bell, William M. Berryhill, Jacob M. Bickel, Isaac Cotts, Almon O. Fairchild, John Goudy, William Klinkler, James Luke, junior, and John Pfarr, who are hereby appointed commissioners for that purpose. Whenever two thousand dollars are subscribed, the said corporation shall be incorporated.

3. A president and four directors shall be elected by the stockholders, and shall constitute the board of directors of said corporation.

tors constituted. Corporation sub-Commencement.

Board of direc-

4. The said corporation shall be subject to the provisions of the Code ject to provisions of Virginia, so far as the same are applicable.

5. This act shall take effect from its passage.

CHAP. 268.—An ACT to incorporate the Washington institute and library association in the city of Norfolk.

[Passed May 22, 1852.]

corporated.

Washington in 1. Be it enacted by the general assembly, That C. W. Jennings, R. W. stitute and libra- Blow, William D. Reynolds, Alfred Seabury, C. H. Toy, C. R. Grandy, ry association in William Manner D. F. Grandy, T. G. W. William Morrow, D. F. Owens, J. Demmings, E. D. Smith, F. Smith, George W. Hardy, J. Fearing, H. B. Merritt, their associates and successors, be and they are hereby created and made a body politic and corporate, for the promotion of literature and science, by the establishment in the city of Norfolk of a library, lectures and other means necessary, proper or expedient for that object.

Corporate powers.

2. The said corporation shall be called "The Washington Institute and Literary Association;" and by that name and style shall have succession, and be able to sue and be sued, plead and be impleaded with, answer and be answered in any court of law or equity; to make and use a common seal, and the same to alter or renew at pleasure; to ordain such constitution, by-laws and regulations, from time to time, as may be convenient for the object of the corporation, and not repugnant to any law

of the state of Virginia or of the United States: to take and hold real Property limited. and personal estate, not exceeding in value at any one time ten thousand dollars worth of real estate and forty thousand dollars of personal estate; and to sell, exchange and otherwise dispose of said property for the purposes of the corporation: Provided, That two-thirds of the members of said corporation shall concur in such sale, exchange or disposition of said property.

3. The legislature reserves to itself the right to amend or repeal this Control over act at its pleasure.

4. This act shall be in force from its passage.

Commencement

CHAP. 269.—An ACT to incorporate the Leesburg library association. [Passed May 25, 1852.]

1. Be it enacted by the general assembly, That Henrie R. Smith, Sa-Leesburg library muel K. Jackson, Matthew Harrison, Charles B. Tebbs, Charles B. Wild-association incorman, James F. Trayhem, John M. Orr, William B. Lynch, George Lee, Porated. William Harding, Joseph G. Gray, William Touison, Thomas P. Knox, Henry T. Harrison, Daniel G. Smith, John E. S. Hough, William A. Powell and such other persons as may hereafter be associated with them, and their successors, shall be and they are hereby constituted and created a body politic and corporate by the name and style of "The Leesburg Library Association;" and by that name shall have perpetual succession Corporate and a common seal, may sue and be sued, plead and be impleaded, with powers. power to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels, of what kind soever, and to dispose of the same in such manner as may seem most conducive to the advantage of the said association: Provided, That the Property limited. lands, goods and chattels so authorized to be held, shall not exceed in amount or value the sum of six thousand dollars.

2. The members of the said association, or such number thereof as Appointment of they shall ordain to be a quorum for such purposes, shall have power to officers; admission and remove their officers; to provide for the admission and ex-sion amembers, pulsion of members, and the admission of persons not members to the privileges of their library, reading room and lectures, subject to such fees Fees, fines and and contributions as they may deem advisable; to enforce the payment contributions. of fines; to require such fees and contributions from members as they may deem requisite for the uses of the association; and to collect, sue for and recover such fines, fees and contributions, as well from other persons as from members; and further to make such by-laws, rules and By-laws. regulations, not contrary to the laws of this state or of the United States, as they may think proper for the government of the said association hereby incorporated.

3. This act shall be in force from its passage.

Commencement

CHAP. 270.—An ACT incorporating the Abingdon savings bank. [Passed May 31, 1852.]

1. Be it enacted by the general assembly, That W. K. Heiskell, Isaac Abingdonsavings B. Dunn, John C. Cummings, James K. Gibson, Daniel Trigg, Charles bank incorposes. Bekem, John A. Campbell, James C. Greenway, Jacob Lynch, Peter rated. J. Branch, Leonidas Baugh and Thomas G. McConnell, together with such other persons as may be hereafter associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Abingdon Savings Bank," in the county of Washington; and by this name and style are hereby invested Rights, powers with all the rights, powers and privileges conferred, and made subject to and privileges. all the rules, regulations and restrictions imposed by the provisions of chapter fifty-nine of the Code of Virginia, and any other provisions of said Code applicable to such corporation.

2. The capital stock of said bank shall not be more than fifty thou-Capital.

3. This act shall be in force from its passage.

Commencement.

CHAP. 271.—An ACT incorporating the Clinton's savings bank in the county of Boteteurt.

[Passed May 11, 1852.]

Clinton savings bank incorporated. 1. Be it enacted by the general assembly, That James M. Jones, Josiah Garrett, Matthew W. Pettigrew, Ferdinand Boothe and Samuel Wrightman, together with such other persons as may be hereafter associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Clinton's Savings Bank," at the Junction store in the county of Botetourt; and by this name are made subject and to have the benefit of all the provisions of

Rights, powers and privileges.

Bank," at the Junction store in the county of Botetourt; and by this name are made subject and to have the benefit of all the provisions of the fifty-eighth chapter, and all other provisions of the Revised Code relating to savings banks or inatitutions.

Capital.

2. The capital of said bank shall not exceed one hundred thousand dollars.

Commencement.

3. This act shall be in force from its passage.

CHAP. 272.—An ACT incorporating the Covington savings bank in the county of Alleghany.

[Passed May 3, 1852.]

Covington savings bank incorporated. 1. Be it enacted by the general assembly, That Andrew Fudge, William G. Holloway, Robert Skeen, Francis McDowell, William Scott, John Mallow, Alexander B. Persinger, George H. Payne, James M. Montague, James K. Poague, Joseph Shriveley, together with such other persons as may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Covington Savings Bank;" and by this name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of the fifty-ninth chapter of the Code of Vir-

Rights, powers and privileges.

Commencement.

ginia applicable to such corporations.

2. This act shall be in force from its passage.

CHAP. 273.—An ACT incorporating the Craig county savings bank.

[Passed May 24, 1852.]

Craig county savings bank incorporated. 1. Be it enacted by the general assembly. That Clifton G. Hill, John H. Walker, Thomas I. Wharton, John B. Taylor, William M. Bishop, Jacob Amen, Elisha B. Wagener, William A. Waug, A. J. Elmore, William Scott, James W. McCartney, N. B. Hammon, together with such other persons as may be hereafter associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Craig County Savings Bank;" in the town of New Castle in the county of Craig; and by this name and style are hereby invested with all the rights, powers and privileges conferred by, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapter fifty-seven of the Code of Virginia, and by any other provisions of the said Code applicable to such a corporation.

Rights, powers and privileges.

2. The capital stock of the said savings bank shall not be more than one hundred thousand dollars, in shares of five dollars each.

Commencement

Capital

3. This act shall be in force from its passage.

CHAP. 274.—An ACT incorporating the Emaus savings bank. [Passed May 5, 1852.]

Emans savings bank incorporated. 1. Be it enacted by the general assembly, That Alexander Kasey, junior, Jubal Jordan, and such others as may be associated with them, shall be and they are hereby constituted and made a body politic under the name and style of "The Emaus Savings Bank," at the store of Alexander Kasey, junior, in the county of Bedford; and by that name and style shall be and are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of the fifty-ninth chapter of the Code of Virginia.

Rights, powers and privileges.

2. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-charter. ral assembly.

CHAP. 275.—An ACT incorporating the Hillsville savings bank. [Passed April 16, 1852.]

- 1. Be it enacted by the general assembly, That William C. Thornton, Hillsville savings Hilldon G. Hall, William H. Cook, James Early, Samuel S. Covey, bank incorpe-Robert C. Johnson, William H. Kelley, William Č. Long and James H. Haunshall, together with such other persons as may hereafter be associated with them, shall be and they are hereby constituted and appointed a body politic and corporate by the name and style of "The Hillsville Savings Bank," in the town of Hillsville in the county of Carroll; and Rights, powers by this name and style the said bank shall be made subject to and to have and privileges. the benefit of all the provisions of the fifty-ninth chapter of the Code of Virginia concerning savings banks or institutions.
 - 2. The capital of said bank shall not exceed thirty thousand dollars. Capital.
- 3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the general Control over charter. assembly.

CHAP. 276.—An ACT to incorporate the Lebanon savings bank. [Passed March 17, 1852.]

1. Be it enacted by the general assembly, That William B. Aston, J. Lebanon savings F. McElhany, Robert Boyd, James P. Carrel, D. I. Thomas, Thomas bank incorpocated.

C. M. Alderson, E. D. Kernan, Christopher Alderson, Thomas C. McClairy, A. F. Hendricks, A. L. Hendricks, William E. Nich, Richard Lynch, Samuel W. Aston, Augustus W. Aston, Isaac Vermillion, John T. Smith, Hervey Grey, Dale Carter, together with such others as may hereafter be associated with them, shall be and they are hereby constituted a body politic and corporate by the name and style of "The Lebanon Savings Bank," in the town of Lebanon in the county of Russell; and by this name are made subject to and to have the Rights, powers benefit of all the provisions of the fifty-ninth chapter and all other and privileges. provisions of the Code of Virginia relative to savings banks or institutions.

2. The capital of said bank shall not exceed twenty thousand dollars. Capital.

3. This act shall be in force from its passage.

Commencement

CHAP. 277.—An ACT incorporating the Martinsville savings bank. [Passed May 31, 1852.]

1. Be it enacted by the general assembly, That Anthony M. Dupuy, Martinsville sav-James M. Smith, Sigimund Putzel, John R. Fontaine, C. Y. Thomas, ings bank incor-Louis W. Redd, J. Grigge, Drury C. Dillard, William T. Clark, An-porated. derson Wade and Hughes Dillard, together with such other persons as may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Martinsville Savings Bank," in the county of Henry; and Rights, powers by this name and style are hereby invested with all the rights, powers and privileges. and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapter fifty-nine of the Code of Virginia, and any other provisions of said Code applicable to such corporation.

2. The capital stock of said bank shall not be more than fifty thou-Capital.

sand dollars.

3. This act shall be in force from its passage.

Commencement.

CHAP. 278.—An ACT to incorporate the Meadesville savings bank in the county of Halifax. [Passed May 28, 1852.]

1. Be it enacted by the general assembly, That Joseph J. Crews, Wm. Meadesville sav-White, A. L. Peters, James S. Lovelace, B. Ray, Joseph P. Goodman, norsted incorporated. and such other persons as may hereafter be associated with them, shall porated.

Rights, powers and privileges. be and they are hereby constituted and made a body politic and corporate by the name and style of "The Meadesville Savings Bank of the County of Halifax;" and by this name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of the fifty-ninth chapter of the Code of Virginia applicable to such corporations.

2. This act shall be in force from its passage, and shall be subject to

Commencement. Control over charter.

assembly.

CHAP. 279.—An ACT authorizing the establishment of the Merchants and

any amendment, alteration or modification, at the pleasure of the general

Merchants and Mechanics savings bank incorporated. CHAP. 279.—An ACT authorizing the establishment of the Merchants and Mechanics savings bank of the city of Richmond.

[Passed May 3, 1852.]

1. Be it enacted by the general assembly, That J. L. Apperson, Thomas U. Dudley, Alexander Garrett, W. H. Gwathmey, Austin Gentry, P. C. Larus, William Catlin, T. J. Starke, John Nettles, John W. Wright and P. H. Butler, together with such other persons as are now or may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Merchants and Mechanics Savings Bank of the City of Richmond;" and

Rights, powers and privileges.

Merchants and Mechanics Savings Bank of the City of Richmond;" and by this name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapter fifty-nine of the Code of Virginia, and any other provisions of said Code applicable to such a corporation.

Commencement.

2. This act shall be in force from its passage.

CHAP. 280.—An ACT incorporating the Newport savings bank in the county of Giles.

[Passed May 11, 1852.]

1. Be it enacted by the general assembly, That John Garmon, Preston

Newport savings bank incorporated.

B. Talley, John Young, Adoniram I. Fry and Jacob Bailey, together with such others as may hereafter be associated with them, shall be and they are hereby constituted a body politic and corporate under the name and style of "The Newport Savings Bank," in the town of Newport in the county of Giles; and by this name are made subject to and to have the benefit of all the provisions of the fifty-eighth chapter of the Code

Rights, powers and privileges.

Commencement.

of Virginia, and such other chapters of said Code relating to savings banks or institutions.

2. The capital stock of said bank shall not exceed fifty thousand dollars.

Capital.

3. This act shall be in force from its passage.

۷٠ ٥**r**- CHAP. 281.—An ACT incorporating the Pearisburg savings bank.
[Passed May 6, 1852.]

1. Be it enacted by the general assembly, That Rufus A. French, Geo.

Pearisburg savings bank incorporated.

W. Hoge, Erastus W. Peck, and such others as may be associated with them, shall be and the same are hereby made a body corporate and politic by the name of "The Pearisburg Savings Bank;" and by that name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapter fifty-nine of the Code of

Rights, powers and privileges.

Virginia.
2. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

Commencement. Control over charter.

CHAP. 282.—An ACT to incorporate the Union savings bank of the city of Richmond.

[Passed May 27, 1852.]

Union savings bank incorporated. 1. Be it enacted by the general assembly, That Alfred V. Grenshaw, George K. Crutchfield, John Darracott, Valentine Winfree, Charles R. Darracott, Benjamin J. Johnson, Benjamin R. Pullen, Charles Stebbins,

George I. Herring, Charles Hartwell, James L. Bray, W. W. Dunnavant, A. M. Bailey, J. M. H. Brunett, John Harrold, G. W. Darracott and O. F. Weisiger, together with such other persons as are now or may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Union Savings Bank of the City of Richmond;" and by this name Rights, powers and style are hereby invested with all the rights, powers and privileges and privileges. conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapter fifty-nine of the Code of Virginia,

and any other provisions of said Code applicable to such a corporation.

2. That the annual meeting of the said company shall be held on the Annual meetings. first Tuesday in April annually, or at such time as may be prescribed by

the by-laws of said company.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-control over charter. ral assembly.

CHAP. 283.—An ACT incorporating the Virginia savings institution. [Passed February 20, 1852.]

Whereas on the fourth day of June eighteen hundred and fifty-one, Preamble. the following citizens of Richmond, to wit: David J. Saunders, L. M. Harrold, George S. Vashon, Frederick Anderson, L. W. Glazebrook, Matrold, George S. Vasnon, Frederick Anderson, L. W. Giazebrook, William W. Timberlake, Samuel P. Hawes, George B. Saunders, George Timberlake, William Watts, Patrick H. Waldrop, Royal Todd, P. C. Kimbrough, Edmond T. Winston, Philip P. Winston, C. H. Bullington, William Davis, James T. Sutton, junior, Edward Farrar, Richard Crouch, Richard S. Glazebrook, Philip August, William Waldrop, Hiram Dickerson, William P. Ladd, B. W. Dabney, James T. Davis, C. C. Walter, F. E. Sutton and Robert Harvey associated themselves together as a serings institution by the name of the Virginia Savings Ingether as a savings institution by the name of the Virginia Savings Institution, and they have petitioned for an act of incorporation: There-

1. Be it enacted by the general assembly of Virginia, That the said per-virginia eavings sons, and such others as have been or may be associated with them, shall institution incorbe and are hereby incorporated a savings institution by the name of porated.

"The Virginia Savings Institution;" and by this name shall be entitled Rights, powers to and enjoy all the rights, powers and privileges conferred, and made and privileges. subject to all the rules, regulations and restrictions imposed by the provisions of the fifty-ninth chapter of the Code of Virginia, and of any other provisions of said Code applicable to such a corporation.

2. Provided however, That the said company shall not receive or pay Prohibited from

out any notes under the denomination of five dollars, issued by banks, issuen corporations or companies out of this state, or the notes of individuals; and the charter of said company, by any violation of this provision, shall be forfeited, and shall ipso facto cease and determine.

3. This act shall be in force from its passage.

Commencement.

CHAP. 284.—An ACT incorporating the Warm springs savings bank in the county of Bath. [Passed May 5, 1852.]

1. Be it enacted by the general assembly, That Sylvanus A. Byrd, Ste-Warm springs phen A. Porter, David Wise, Egbert Vanburen, George Bodkin, Alex-savings bank ander McClintic, Leroy Dangerfield, John Munroe and Robert Johnson, together with such persons as may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of " The Warm Springs Savings Bank;" and by this name and style are hereby invested with all the rights, Rights, powers powers and privileges conferred, and made subject to all the rules, regu- and privileges. lations and restrictions imposed by the provisions of the fifty-ninth chapter of the Code of Virginia applicable to such corporations.

2. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-charter.

ral assembly.

CHAP. 285.—An ACT to incorporate the Williamsburg savings bank. [Passed May 6, 1852.]

Williamsburg savings bank incorporated.

1. Be it enacted by the general assembly, That Alexander C. Garrett, John H. Barlow, Sherrod T. Bowman, William S. Peachey, Robert McCaudlish, Robert M. Garrett. Thomas L. Savage, Robert F. Cole, Lemuel J. Bowden and Henry M. Bowden, with such other persons as may be associated with them, shall be and they are hereby constituted and made a body politic under the name and style of " The Williamsburg Savings Bank;" and by this name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-ninth chapter of the Code of Virginia, and by any other provisions of said Code ap-

Rights, powers and privileges.

Commencement.

ral assembly.

Control over

charter.

plicable to such corporations. 2. This act shall take effect from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the gene-

CHAP. 286.—An ACT extending the charter of the Winchester and Frederick county savings institution. [Passed June 2, 1852.]

Charter of Winderick county savings institution extended.

1. Be it enacted by the general assembly, That the act, entitled "an act chester and Fre to incorporate the Winchester and Frederick county savings institution," passed March the fourth, eighteen hundred and thirty-four, be and the same is hereby extended, and shall continue in force for the term of twenty years from and after the fourth day of March one thousand eight hundred and fifty-four.

Commencement.

2. This act shall be in force from its passage.

CHAP. 287.—An ACT to incorporate the Portsmouth insurance company. [Passed February 17, 1852.]

Portsmouth insurance company incorporated.

1. Be it enacted by the general assembly of Virginia, That Robert M. Boykin, John Nash, William M. Levy, Thomas Hume, John Cocke, Moss Wm. Armistead, William W. Davis, Joseph M. Miles and Holt Wilson, together with such other persons as may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of "The Portsmouth Insurance Company;" and by this name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth and fiftyseventh chapters of the Code of Virginia, so far as the same are applicable to and consistent with the purposes and designs of the said company hereby intended to be incorporated.

Rights, powers

Capital.

2. The capital stock of the said company shall be ten thousand dollars, which may be from time to time increased to any amount not exceeding half a million of dollars, in shares of the par value of twenty-five dollars

Power to insure; what business to be done.

3. The president and directors of the said company shall have full power and authority to make insurance against all kinds of marine risks, against any damage or loss by fire, or other liability, casuality or hazard, incident to any and every kind of property, whether real, personal or mixed, to make insurance on lives, to grant annuities, to receive endowments, to contract for reversionary payments, to guarantee the payment of promissory notes, bills of exchange or other evidence of debt, and to make all kinds of contracts in which the casualties of life are involved; to lend money on bottomry and respondentia, and otherwise provide for the investment of the funds of the company; to receive money on deposit and pay interest thereon, as may appear most advantageous and beneficial to the stockholders: Provided, That nothing in this act shall bank notes prohi- be construed to authorize the said company to issue and put into circulation any negotiable note or notes in the nature of a bank note, or to authorize them to make any contract which by the existing laws amounts Not to receive or to usury: Provided however, That the said company shall not receive or

pay out any notes, under the denomination of five dollars, issued by

Circulation of

pay out notes.

INSURANCE COMPANIES.

banks, corporations or companies out of this state, or the notes of individuals; and the charter of said company, by any violation of this provision, shall be forfeited, and shall ipso facto cease and determine.

4. The legislature of Virginia reserves to itself the power of altering, Control over

amending or repealing any of the powers of this act.

5. This act shall be in force from its passage.

Commencement.

CHAP. 288.—An ACT extending the charter of the Virginia fire and marine insurance company in the city of Richmond.

[Passed February 17, 1852.]

1. Be it enacted by the general assembly. That the body corporate and Virginia fire and politic known by the name and style of "The Virginia Fire and Marine marine insurance Insurance Company," shall be and is hereby continued by the said name; nucl and interand by the said name they and their successors shall and may have conti-porated. nual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they Corporate and their successors may have a common seal, and may change and powers. alter the same at their pleasure; and by the same name be capable of Their property. purchasing, holding or conveying any estate, real or personal, for the use of the said corporation, subject to the restrictions hereinafter mentioned.

2. That the capital stock of the said corporation shall be two hundred Capital.

thousand dollars, divided into shares of one hundred dollars each.

3. That the said corporation are allowed and authorized to increase Increase of the said capital stock, from time to time, as they may find necessary capital.

or expedient, to three hundred thousand dollars.

4. That the said corporation hereby created shall have power and Power to insure authority to make fire and marine insurance upon vessels, goods, wares, and be insured. merchandize and other property, and on freight, bottomry and respondentia; and that they may also cause themselves to be insured against maritime and fire risks, upon the interests they may have in any vessels, goods or other property, in virtue of any loans or bottomry or respondentia, or of any policy or contract of insurance.

5. That the stock and affairs of the said corporation shall be managed Board of direcand conducted by seventeen directors, who shall be stockholders and tors, how, where residents of this state, who shall be elected on the first Monday in elected. March in each and every year, and at such place in the city of Richmond as the board of directors for the time being shall appoint; and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer; and notice of such time and place of such annual election shall be published for one week preceding the same, in one or more papers in said city; and every such election shall be held under the inspection of three or more stockholders in said company, not being directors, to be previously appointed for that purpose by the board of directors, and shall be chosen by ballot, by a plurality of votes of the stockholders present or by their proxies, allowing for one or two votes of stock-shares one vote each share; for every two shares above two, and not holders. exceeding ten, one vote; for every four above ten, and not exceeding thirty, one vote; for every six above thirty, and not exceeding sixty, one vote; for every eight above sixty, and not exceeding one hundred, one vote; for every ten above one hundred, one vote; but no amount of stock, however great, shall entitle the owner to more than thirty votes. But in case it should at any time happen that an election of directors How other day shall not be made on any day, when pursuant to this act it ought to be may be fixed for made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated in the by-laws of the said corporation, not inconsistent with this act: Provided, That such election is made within sixty days thereafter.

6. That the directors so chosen at annual elections shall, as soon as President of may be after every election, choose out of their own body one person to board, how

Vacancies supnlied.

President pro tempore.

be president: and in case of death or resignation of the president or of any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president, the bound of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Stock transfer-

7. That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations as the board of directors shall from time to time make and establish, and shall be considered personal property. But in case the said corporation shall have any demand or claim against any stockholder thereof, whether such claim is due or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale or conveyance of his or her stock in said corporation, or to receive any dividend thereon, until such claim or demand shall be paid or secured to be paid to the satisfaction of the board of directors; and unless such demand shall be paid or secured to be paid satisfactorily as aforesaid, within ninety days after the same shall have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, under the direction of and in such manner as the directors for the time being may think most advisable; and the proceeds thereof shall be applied towards the satisfaction of such claim or demand.

Board of directors, how constituted. By-laws.

8. That any five of the directors of the said corporation may form a board, and be competent to transact any business for the said corporation; and they shall have full power to alter and prescribe from time to time such by-laws, rules and regulations as shall to them appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the transfer of shares, and touching the duties and conduct of their officers and clerks, election of directors and all other matters whatsoever, which may appertain Secretary, c'erks to the business of fire and marine insurance; and they shall have power to appoint a secretary, and so many clerks and servants for carrying on said business, and for such periods, and on such terms as shall

and servants.

Their salaries

seem meet; to establish and fix such salaries and allowances of each of them, and also to the president, as to the said board shall appear proper: Provided always, That such by-laws, rules and regulations shall not he repugnant to the constitution and laws of this state or of the United States, or any provision of this act. 9. That all policies of insurance and other contracts, which are autho-

Policies, how authenticated.

rized by this act, and which shall be made or entered into by the said corporation, may be made under the seal thereof, and shall be subscribed by the president, or such other officers as shall be designated for the purpose in the by-laws of said corporation, and attested by the secretary; and being so signed, executed and attested, shall be binding and obligutory upon the said corporation, according to the tenor, intent and meaning of this act, and of such policies and contracts; and the insured may

Action thereon.

Executive com-

thereupon, in case of loss arising, maintain an action on the case against such corporation; and all such policies and contracts may be so made, signed, executed and attested, and the business of the said corporation may be otherwise conducted and carried on, without the presence of a board, by such committee, or in such manner as may be provided for by the by-laws of said corporation; and if so done, shall be binding on it to all intents and purposes.

mittee.

Dividends.

10. That the president and directors shall declare dividends only out of the profits of the said corporation, in such manner and at such times as the by-laws and regulations of the corporation shall prescribe.

Liability of members.

11. That the members of the said corporation shall not be liable for any loss, damage or responsibility in their persons or property, other than the property they have in the capital stock or funds of the said corporation, to the amount of the shares respectively held by them, and any profit arising therefrom not divided.

12. That the president and directors, or a committee thereof, may invest Investments of the capital stock, or other funds of the said corporation, in such bank or funds. other stocks as they may deem advisable; or may loan the same for good Power to loan. personal security, from time to time, and for such periods as they may think proper: Provided however, That the said company shall not receive Denicd power to or pay out any notes under the denomination of five dollars, issued by issue bank notes. banks, corporations or companies out of this state, or the notes of individuals; and the charter of said company, by any violation of this provision, shall be forfeited, and shall ipso facto cease and determine.

13. That the said corporation shall not hold or purchase any real es-Power to hold tate, unless held for the purpose of securing some debt or debts that may real estate.

be due to them or for their own use.

14. That the president and directors of the said company, or a majo- Additional subrity of them, are hereby empowered, after giving at least five days' no- scriptions may tice in some newspaper published in the city of Richmond, to open be taken. books, at some convenient place in said city, for receiving subscriptions for such additional stock in this corporation as they may deem expedient, (not exceeding the amount provided for in this act,) in which the stockholders of the said company, for the time being, shall have the preference of all other persons, for the first fifteen days after said books shall be opened as aforesaid, of subscribing for so many whole shares as any of them shall choose; and if it shall appear, at the expiration of fifteen days, that more than the necessary number of shares have been subscribed for, the said president and directors shall cause them to be reduced, in fair and equal proportions, among the subscribers, to the amount of additional capital stock required; and the subscribers for such additional shares of capital stock are hereby declared to be thenceforward incorporated into the said corporation, with all the privileges and advantages, and subject to all the liabilities of the original stockholders.

15. That this act shall be and continue in force for the term of twenty Commencement. years from and after the fourteenth day of March eighteen hundred and and duration of fifty-two: Provided, That nothing herein contained shall prevent the charter. general assembly from altering, amending or repealing this charter at

any time when in their opinion it shall be proper to do so.

CHAP. 239.—An ACT incorporating the Mutual insurance company of Chesterfield county.

[Passed June 3, 1852.]

1. Be it enacted by the general assembly, That Holden Rhodes, Charles Mutual insurance W. Friend, Thomas M. Burfoot, Moses M. Robertson, Peter H. Ander-company of son, P. H. Wilkinson, George W. Snellings, Joseph Goode, Joseph R. incorporated. Wooldridge, Samuel Hancock, Woodliff Tucker, W. W. T. Cogbill, Samuel H. Royall, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be and they are hereby constituted and declared to be a body politic and corporate by the name, style and title of "The Mutual Insurance Company of Chester-field County:" and by said name shall have perpetual succession, and Corporate shall sue and be sued, plead and be impleaded, in all courts of record powers. and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises, hereditaments, goods and chattels of what kind soever and choses in action, and the same shall sell and dispose of from time to time: Provided, Property limited. That the clear yearly income of the necessary houses, lands and tenements, rents, and real estate of said corporation and of the interest of the money loaned by it, shall not exceed the sum of two thousand dollars; and also make and have a common seal, and the same to alter and renew at pleasure; and also to ordain and put into execution such by-laws, By-laws. ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter or to the laws of the United States or of this state, and generally to do and transact all such matters and things as shall to them lawfully appertain. to do and transact for the well being of said corporation and the due management and well ordering of the affairs thereof.

Objects and busi-

2. The object and business of said corporation shall and is hereby es of company. prescribed to be the insurance of their respective dwelling-houses, barns, crops, shops and other buildings, household furniture, goods and chattels against loss or damage occasioned through any unavoidable accident by fire.

Who are members.

3. All persons who shall insure with said corporation, and also their executors, administrators or assigns continuing to be insured in said corduring the period they shall remain insured by said corporation, and no

Board of directors constituted and elected.

poration as hereafter provided, shall thereby become members thereof 4. The affairs of said corporation shall be managed by a board of

President, tressurer and other officers.

directors consisting of five members, to be chosen by ballot annually on the second Monday in September, at an annual meeting of the company to be held; in said election each member shall be allowed one vote and no more; which board shall appoint from their own number one person as president. They shall also appoint a treasurer, of whom they shall require such security as may be provided for in the by-laws, and shall have authority to appoint such other officers and agents as may be found necessary for the transaction of the business of said institution; and shall also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance. A majority of said board shall constitute a quorum to do business. The first meeting of said company shall be held at Chesterfield courthouse, and thereafter at such place as may be determined upon by the company in general meeting.

Rates of insurance. Quorum of board. First meeting.

where.

Premium on policies, how paid.

5. Every person who shall become a member of the corporation, by effecting insurance therein, shall, before he receives his policy, deposit his bond or promissory note for such sum of money as shall be determined by the directors; a part, not exceeding five per cent. of said note, shall be paid in at the time of making the same; and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such other incidental charges as may be necessary for transacting the business of said corporation; and at the expiration of the term of insurance, the said note, or such part thereof as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portions of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by deed of trust or upon other good and sufficient

When policy void.

How it may be assigned.

6. When any property insured by this corporation shall be aliened by sale or otherwise, the policy shall thereafter be void and of no effect. and shall be surrendered to the directors to be canceled; and upon such surrender, the insured shall receive his or her deposit note, on payment of his losses and expenses accrued prior to such surrender; but the alience or grantee having the policy assigned to him, may have the same satisfied and confirmed to him for his own proper use and benefit, upon application to the directors, with their consent, within twenty days next after such alienation, upon giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid; and by virtue thereof, from the time of such satisfaction. the party causing such security to be given shall be entitled to all of the rights and privileges, and subject to all the liabilities to which the original party to whom the policy was issued was entitled and subject under this act.

Liability of members.

7. Every member of said corporation shall be bound to pay for losses. or damages, and such necessary expenses aforesaid, accruing in said corporation, in proportion to his deposit note.

Suits for and

8. Suits at law may be maintained by said corporation against any against company, of its members for the collection of said deposit notes, or any assignment thereon, or for any other cause relating to the business of said corporation; and suits may be prosecuted and maintained by any member against said corporation for loss or damage by fire, if payment be withheld or refused for more than three months after the company are

duly notified of said loss or damage.

9. The directors shall, after ascertaining the amount of loss or damage Assessment on by fire sustained by any one of its members, settle and determine, in members to meet proportion to the deposit notes, the amount to be paid by its members as their respective shares of such loss or damage, and publish the same in such manner as may be prescribed by the by-laws; and the members shall pay the same to the treasurer of the company within thirty days after the publication of said notice. On failure or refusal to pay the How recoverable. sum assessed upon him as a portion of any loss as aforesaid, said company may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of the company, subject to the payment of his portion of such losses or expenses as have or may thereafter accrue; and the balance, if any remain at the time of the expiration of his policy, shall be paid over by said company to the party from whom it was collected, on demand.

10. It shall be the duty of the secretary and treasurer to have all of Books, &c. to be the books and writings concerning said company at the place for holding produced at an invasion and writings concerning said company at the place for holding produced at an invasion and make the place for holding produced at an invasion and make the place for holding produced at an invasion and make the place for holding produced at an invasion and make the place for holding produced at an invasion and its annual meetings, and any member of the company shall be allowed Free to inspecto examine the same.

11. No property of any kind whatsoever is to be insured by this com-Property out of pany out of the county of Chesterfield, and no policy shall be issued by Chesterfield not to be insured. this corporation until the property insured shall amount to fifty thousand When policies dollars. dollars.

12. Nothing in this act shall be so construed as to authorize the said Denied power to company to issue any note, scrip, token, device or other evidence of issue bank notes. debt, to be used as a currency.

13. This act shall be in force from its passage, and the legislature commencement. may at any time modify or annul the same.

Control over charter.

CHAP. 290.—An ACT to incorporate the Rockingham mutual insurance company.

(Passed March 15, 1852.)

1. Be it enacted by the general assembly of Virginia, That Robert Rockingham mu-Grattan, John Roller, Cyrus G. Turley, Peter Roller, Pleasaut A. Clarke, tual fire insu-John Kenney, Robert M. Kyle, Samuel Ott, M. Harvey Effinger, Peter rance company Heneberger, William Richerd, Benjamin Ewing, Isaac Hardesty, Allen C. Bryan, J. H. Hopkins and William G. Stevens, and their successors, together with all other persons who may hereafter associate with them, in the manner hereinafter prescribed, shall be and hereby are constituted and declared to be a body politic and corporate by the name and style of "The Rockingham Mutual Fire Insurance Company;" and by the same Corporate name shall have perpetual succession, and shall be able to sue and be powers.

sued, plead and be impleaded, answer and defend, and to be answered and defended in all courts of law and equity in this state or elsewhere; and to make and have a common seal, and the same to alter at pleasure; and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments and choses in action, and the same to sell and dispose of from time to time: Provided, That the clear Property limited. yearly value or income of the necessary houses, lands and tenements or other real estate of the said corporation shall not exceed the value of one thousand five hundred dollars; and also to ordain and establish such By laws. by-laws, rules and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this act, the laws of the United States or of this commonwealth; and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well being of said corpora-tion, and the due management and well ordering of the affairs thereof: Provided always, That nothing in this act contained shall be construed Banking powers to grant banking powers or privileges to the said company, or the right denied. to issue any note in the nature of a bank note.

Power of insu-

The object and business of the said company shall and is bereby prescribed to be the insurance on all kinds of property against loss or damage by fire.

insured to be members of corporation.

3. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns continuing to be insured in the said corporation as is hereinafter provided, shall thereby become members during the period they shall remain insured.

4. The affairs of said company shall be managed by a board of direc-

President and directors, how elected. Treasurer and other officers.

tors, consisting of nine members, to be elected and chosen as hereinafter provided; which board shall, from their own number, appoint one person as president and one person as treasurer, of whom they shall require such securities as they may think proper; and shall have authority to appoint other officers, and employ any clerks, agents and attorneys in any of the cities or counties of this state or elsewhere, for the greater convenience of transacting the business of the said company; and shall determine the rates and conditions of insurance, the sum to be insured, and the sum to be deposited for any insurance; and a majority of said

after named. Such election shall be by ballot, and a plurality of votes

given shall be deemed sufficient to elect, and the directors so elected shall continue in office until the first Monday in October eighteen hundred

and fifty-three, or until others are elected. On which day, and annually thereafter, an election shall be held for directors, as is provided in the first part of this section; and each member shall be allowed one vote for

any amount he may have insured under one thousand dollars, and an additional vote for every additional thousand dollars so insured, either in

Rates of insurance and amount.

General meeting. when and where.

board shall constitute a quorum to transact business. 5. The members of said corporation shall, upon one months' notice in a newspaper published in Harrisonburg, meet at their office in Harrisonburg at such time as the directors hereinafter named shall designate, not later than the first day of October eighteen hundred and fifty-two, and hold their first election of directors; and such election shall be held under the inspection of two members to be chosen by the directors herein-

Election of directors.

Their term.

Annual meeting.

Votes of mem-

General mect-

person or by proxy.

6. It shall be the duty of the president, whenever required in writing ings, how called. by not less than one-tenth of the whole number of votes, (as hereinbefore explained,) other than directors, to call a general meeting of the members, by giving notice as in case of election of directors, for the transaction of such business as may be specified in such written requisi-

tion; and any resolution or proceeding passed or had at any general meeting by not less than a majority of the votes then present, shall be binding on the president, directors and members of the company: Pro-How constituted vided however, That at such meeting at least one third of the entire num-

Premium on policy, how paid.

ber of votes of said company shall be represented. 7. Every person who shall become a member of this corporation, by effecting insurance therein, shall, before he receives his policy, deposit his bond or promissory note for such sum of money as shall be determined by the directors, and shall also pay to the said company an amount not exceeding ten per cent. on said bond or note so deposited; said deposit note or bond shall be payable, in whole or in part, at any time when the directors shall deem the same requisite for the payment of loss by fire, and such incidental charges as shall be necessary for the transacting of the business of the company; and at the expiration of the term of insurance, the said bond or note, or such part of the same as

Power to loon and invest funds.

during said term, shall be relinquished and given up to the maker thereof, or to his heirs, executors or administrators; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purpose of said corporation, to be secured by mortgage or judgment, creating a lien for the same upon some real estate of sufficient value, beyond other incumbrances, to render the same secure, or to invest the same in other good and sufficient securities.

shall remain unpaid, after deducting all losses and expenses accruing

When policy void.

8. When any property insured with this corporation shall be aliened by sale or otherwise, the policy shall thereafter be void, and shall be sur-

rendered to the directors to be canceled; and upon such surrender the insured shall be entitled to receive his note or bond, upon payment of his proportion of losses and expenses accrued prior to such surrender; but the alience or grantee having the policy assigned to him, may have How it may be the same ratified and confirmed to him for his own proper use and bene-assigned. fit, upon application to the directors or their qualified agent, and with their or his consent, within thirty days next after such alienation, ou giving proper security, to the satisfaction of said directors, for such portion of the deposit note or bond as shall remain unpaid; and by virtue thereof, from the time of such ratification, the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all liabilities to which the original party to whom the policy was issued was entitled to and subject under this act.

9. Whenever a loss shall occur which the said company are liable to Liability of pay, it shall be the duty of the directors, at their next meeting after they members for losses. shall have been notified of said loss, to cause an accurate estimate and statement to be made of the proportion or sum to be contributed by each member, to make good said loss to the person sustaining the same, and to notify the members thereof; and if any member shall fail to make Howrecoverable. payment of any sum so required of him, after twenty days' notice of such requisition shall have been given in some newspaper published in the town of Harrisonburg, or by some other convenient mode of notification, it shall be lawful for the company to recover the same, or such part thereof as shall not have been paid, with lawful interest from the time due and costs, upon ten days' previous notice in any court of record for any county or corporation within whose jurisdiction the defendant may be found; or if he be not found in the commonwealth, then upon motion, in any court of record for Rockingham county, upon two weeks' previous notice in some newspaper published in the town of

10. If the whole amount of deposit notes shall be insufficient to pay Additional provi-the loss occasioned by any fire or fires, in such case the sufferers insured good losses. by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured, and in addition thereto a sum to be assessed on all the members of said company on the same principles that regulated their deposit notes: Provided however, Assessment on That no member shall ever be required to pay for any loss or losses oc-members limited. casioned by fire during the period of his insurance, more than the amount of his deposit note or bond, and ten per centum interest thereon, nor shall any member be required to contribute to the payment of any loss which may have happened prior to his becoming a member of said com-

pany.

11. The legislature of Virginia reserves to itself the power of alter-Control over charter. ing, amending or repealing this act.

12. That the hereinbefore named John Roller, Robert Grattan, Isaac Directors. Hardesty, John Kenney, Allen C. Bryan, William G. Stevens, William Richerd, M. Harvey Effinger and Peter Heneberger shall constitute the board of directors of the said company until the first day of October

eighteen hundred and fifty-two, or until others are elected in their stead. 13. Whenever the amount of the unpaid premium notes or bonds shall Minimum capital amount to the sum of twenty-five hundred dollars, then this act shall be to be secured bein full force and virtue, but until that amount is secured, no member effect. shall be responsible for his or her premium notes respectively.

14. This act shall be in force from its passage.

Commencement

CHAP. 291.—An ACT to amend the fourth and eighth sections of the act, entitled "an act to incorporate the Insurance company of the Valley."

[Passed March 17, 1852.]

1. Be it enacted, That the fourth section of an act, entitled "an act Commissioners incorporating the Insurance company of the Valley of Virginia," be so to receive sub-amended as to read as follows: 4. Be it further enacted, That William L. Clarke, Joseph S. Carson, N. W. Richardson, C. S. Funk, James H.

Notice to be given.

Subscriptions. how reduced.

Inspectors of elections. Certificate of election.

Dividends.

Risks classified.

Premiums on insurance, how

Commencement. Control over charter.

Burgess and George W. Ginn shall be commissioners, whose duty it shall be, at such time as they may deem proper, at some suitable place in the

town of Winchester, or elsewhere, to open books to receive subscriptions to the capital stock of said corporation; and five days' public notice shall be given by the said commissioners of the time and place for the opening of such books, in one or more of the newspapers published in said town; which said books shall not be closed in less than thirty days from the time of opening. If it shall appear, at the expiration of ten

have been subscribed for, the said commissioners shall reduce and proportion them among the subscribers in fair and equal proportions to the Meeting to amount of the capital stock required; and the same choose directors, give a like notice for a meeting of the stockholders to choose seven directors of the first election tors, and the said commissioners shall be inspectors of the first election of directors of said insurance company, and shall certify from under their hands the names of those duly elected, and deliver over to them the

days after the closing of said books, that more than one thousand shares

subscription books. 2. And be it further enacted, That the eighth section of the above named act shall be so amended as to read as follows: 8. The president and directors of said company may declare yearly dividends of such profits, "not exceeding six per centum per annum," as may have been ascertained on the first Monday of January in each year: Provided, That no dividend shall be declared, while the capital stock shall be considered by a majority of the board of directors, or by a majority of the stockholders at a general meeting, as impaired or lessened by losses. 3. It is also further provided, That the president and directors shall

have the power to divide their risks into two classes, under the name of "The Merchants Class," comprising town property, mills, merchandize, &c., and "The Farmers Class," consisting of farm houses, barns, grain, stock, &c., and to receive the premiums on the same in such manner, either by premium notes or in cash, as may be provided for in their bylaws and regulations.

4. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 292.—An ACT to incorporate the Potomac insurance company of Alexandria.

[Passed March 17, 1852.]

Potomac insurance company of Alexandria incorporated.

Corporate nowers.

Power to discount and make louns.

Commissioners.

Capital,

How paid in.

1. Be it enacted by the general assembly, That W. G. Cazanove, Henry Cook, John F. Dyer, James W. Green, Isaac Buckingham, Lewis McKenzie, James Green, W. H. Fowle, D. R. Blacklock, Robert Brockett, A. J. Fleming, W. N. McVeigh, G. O. Dixon, John Leadbeater, Daniel F. Hooe, W. L. Powell, R. G. Violett, John T. Johnson, Benjamin Burton, J. J. Wheat, and such other persons as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Potomac Insurance Company of Alexandria;" and they are hereby invested with all the rights, privileges and powers conferred on the American insurance company of Norfolk, by act passed February twenty-sixth, one thousand eight hundred and forty-nine.

2. Be it further enacted, That in addition to the rights, privileges and powers hereby conferred, the said company may discount notes, bills of exchange, drafts, and lend money for a period not to exceed six months, and at any interest not to exceed six per centum per annum.

3. Be it further enacted, That the persons named in the first section of

this act shall be the commissioners, any three of whom may act.

4. Be it further enacted, That the capital stock of said company shall not be less than thirty thousand dollars or more than two hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each: five dollars on each share subscribed for to be paid to the commissioners in cash, and upon the organization of the company, the residue to be secured by the bonds of the subscribers, with security approved of

by the board of directors: the subscribers not to be entitled to the rights and privileges of stockholders until such bonds and security be given or the whole amount of subscription be paid.

5. Be it further enacted, That the stockholders who shall pay the Dividend on part

whole amount of their subscriptions shall be entitled to six per centum of subscriptions. per annum on twenty dollars of each share, until it be necessary, as hereinafter provided for, to call for the residue or any part thereof, secured

by the bonds of the stockholders.

6. Be it further enacted, That when any subscriber shall fail to pay a Delinquent stockportion or the whole of the sum secured by bond as aforesaid within holders how pro-thirty days after the same shall be called for and demanded by order of the board of directors to pay loss or losses, the same may be recovered of the subscriber and his surety, by motion, upon ten days' notice in the circuit court for Alexandria county; and from the time the demand is When interest to made as aforesaid, the stockholders who have paid the whole amount of cease. subscription shall cease to be entitled to interest on twenty dollars of each share, as provided for in the fourth section of this act, and shall be entitled to interest on such amount of each share as shall remain un-

7. This act shall be in force from the passage thereof, and shall be Commencement. subject to any amendment, alteration or modification, at the pleasure of Control over charter.

the general assembly.

CHAP. 293 -An ACT to incorporate the Buffalo springs company in the county of Mecklenburg. [Passed May 11, 1852.]

1. Be it enacted by the general assembly, That David Shelton, E. A. Buffalo springs Williams, Dr. S. H. Harris and John Wimbish, or any two of them, company of Mecklenburg together with all others who may hereafter subscribe for or become incorporated. owners of stock in the company hereby authorized, be and they are hereby constituted a body politic and corporate under the name and style of "The Buffalo Springs Company of Mecklenburg;" and by that Corporate name and style they and their successors may have continual succession, powers. may sue and be sued, contract and be contracted with, have and use a common seal, and change the same at pleasure; may purchase and hold real estate not exceeding three hundred acres, and may sell and convey, lease out or rent any portion thereof; and may purchase and hold per-Power to acquire sonal property for the purpose of conducting the business of said property company; and shall have power to make such by-laws, rules and regu-By-laws. lations, not contrary to the laws of the United States or of this commonwealth, as may from time to time be directed in general meeting:

Provided, That three-fifths of the whole number of shares of stock of Stockholders said company shall be subscribed for and held bona fide by others than other than proprietors. the proprietors of the property aforesaid.

2. Be it further enacted, That the capital stock of said company, cou- Capital.

sisting of the real estate aforesaid, shall be divided into two hundred shares of one hundred dollars each, making in the whole twenty thousand dollars; and that books for receiving subscriptions for said stock shall be opened Subscriptions, under the directions of the following named commissioners, or any two where and by of them, to wit: Edwin A. Williams, Silas H. Harris and John Wimbish, or any two of them, at such time and place as they may designate; and as soon as the full amount of the aforesaid sum shall have been subscribed, and three-fifths of the shares having been taken by bona fide subscribers, other than the said David Shelton, and such persons as may now be interested with him in said property. the said Meeting of stockcommissioners shall call a meeting of the subscribers, giving sixty days' holders. notice thereof by publication in one or more newspapers printed at Richmond, to assemble at the Buffalo springs, at such time as shall be designated in such notice; and if a sufficient number of stockholders do not attend on the day designated, and at the place aforesaid, to constitute a general meeting, the meeting shall stand adjourned from day to day, not exceeding thirty days, until a sufficient number shall be present.

Real estate contituting capital; how conveyed.

3. Be it further enacted, That the said David Shelton, and such other persons as are now interested with him in said property, if any, shall, at or before the opening of the books of subscriptions for shares in the stock of the said company, and before any subscription shall have been made, enter on the subscription books a statement under their hands and seals, containing a minute specification of the said property and improvements intended to be conveyed by them to the said company. And so soon as the whole number of shares shall have been subscribed for, the said David Shelton, and such other persous as are now interested with him in said property, if any, shall convey and assure to the said company a valid and perfect title in fee simple to the aforesaid property, free from all incumbrances, according to the specification and description thereof, as contained in the statement entered on the books of subscription as aforesaid, and also deliver to the said company the possession of the same when demanded; and thereupon the said property conveyed to the said company shall be thenceforth vested in the

Votes of stockbolders.

Directors, how

President of board. Vacancies filled. Officers appointed; their bonds.

Dividenda.

Stock personal

etate; transferable.

disposed of.

Real estate, how

scribers.

Remedy against delinquent sub-

General meetings, when and shall be held annually on the second Monday in June, at the said Bufliow constituted. falo springs in the county of Mecklenburg. The presence of a majority of the stockholders in interest, in person or by proxy, shall be necessary to the transaction of business at such meeting, but a smaller number may adjourn from time to time. In general meetings of said company

said company and constitute its capital stock.

the stockholders shall be entitled to one vote for every share owned by them respectively up to the number of ten, inclusive, and one more vote for every five additional shares, and may appear and vote on all questions, in person or by proxy.

5. Be it further enacted, That for managing the affairs of the said com-

pany, there shall be chosen at the first general meeting, and annually thereafter at the general meetings of the company, not less than five nor more than seven directors, who shall be stockholders of the company, and shall remain in office one year, or until their successors are appointed. The said directors, a majority of whom shall form a quorum for the transaction of business, may choose a president, and, in his absence, a president pro tempore. They shall have power to supply vacancies in their own body; to call special meetings of the stockholders; to appoint such

take bonds for the fidelity and attention of such officers, agents and clerks; and to do all other acts and things, touching the affairs of the company, not otherwise provided for. Dividends of the nett profits of the said company shall be made at such time as shall be determined by the stockholders in general meeting. 6. Be it further enacted, That the stock of said company shall be deemed personal estate, and pass as such to the representatives of each

officers, agents and clerks as shall be authorized in general meeting; to

stockholder; and may be transferred and certificates thereof issued in such manner and form as the president and directors, or the stockholders in general meeting, shall from time to time direct: Provided, That nothing herein contained shall be so construed as to prevent the said company from selling and conveying any part of such real estate as they may hold, and which may be hereby incorporated into stock and declared personal estate, or to authorize the conveyance of such real estate, when sold or disposed of, in any other manner than that prescribed by the laws of this commonwealth for the conveyance or disposal of real estate, and when so sold and conveyed, from being considered real estate.

7. Be it further enacted, That if any subscriber or stockholder shall fail to pay the amount due on the stock for which he has subscribed, or of which he has become the owner, or any installment thereof, at the time prescribed by the president and directors, it shall be lawful for the company to recover from the delinquent, or his or her representative or representatives, the amount which may be due, by action of debt, in any court of record in this commonwealth; and that such delinquent shall receive no dividend until the amount of subscription shall have been paid, with the interest which shall have accrued thereon from the time

at which payment should have been made.

8. Be it further enacted, That whenever four-fifths of the capital stock when charter of said company shall be concentrated, by purchase or otherwise, into torteited. the hands of less than five members of said company, all the corporate privileges hereby granted shall cease and determine.

9. This act shall be in force from its passage.

Commencement.

CHAP. 294.—An ACT concerning the Hardy White Sulphur springs company.
[Passed April 6, 1852.]

1. Be it enacted by the general assembly, That William Seymour, Chas. Hardy White C. Lee, and such other persons as may hereafter be associated with them, Sulphur springs be and they are hereby incorporated and made a body politic and corporate by the name of the "Hardy White Sulphur Springs Company," for the purpose of improving the springs and grounds adjacent, usually known by the name of "Howard's Spring;" of constructing buildings and other fixtures, and keeping houses for the entertainment of persons who may resort to the said springs in the county of Hardy; and they and Rights, powers their successors are hereby invested with all the rights, powers and privileges. leges, and are made subject to all the regulations and restrictions, so far as they are applicable, prescribed in the fifty-seventh chapter of the Code of Virginia, in respect to mining and manufacturing companies.

2. The capital stock of said company shall be not less than twenty Capital. thousand dollars, nor more than one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; and the said com-Real estate. pany shall have the right to purchase and hold land, not exceeding two

thousand acres, at or near the said springs.

3. Stock to the amount of two hundred and twenty-four shares, or stock, how paytwenty-two thousand four hundred dollars, may be subscribed in land at able. such valuation as the company may agree upon. The residue of the stock shall be payable in money. In making dividends, the money stock Dividends. shall have priority over the land stock. Until six per centum per annum is paid on the money stock, no dividend shall be declared on the land stock. If the profits will justify it, six per centum per annum shall then be declared on the land stock; and if there be a surplus in any year, after paying six per centum per annum on the money stock and the land stock, it shall be divided ratably among the money and land stock-

4. That the act, entitled "an act to incorporate Soda springs company Repealing clauses

in the county of Hardy," be and the same is hereby repealed.

 This act may be amended, modified or repealed, at the pleasure of Charter under the general assembly.

6. This act shall be in force from its passage.

Commencement.

CHAP. 295.—An ACT to incorporate the Piedmont Springs company.

[Passed March 3, 1852.]

1. Be it enacted by the general assembly of Virginia, That Edward A. Piedmontsprings Freeman, E. B. Hill, T. S. Allcock, Robert T. Bower, T. A. Foushee, company incor-William M. Thompson, Christian Morgan, L. P. Nelson, T. O. Flint and John S. Barbour. jr., and all others who may hereafter be associated with them, be and they are hereby constituted a body politic and corporate under the name and atyle of "The Piedmont Springs Company." for the purpose of improving and carrying on a house or houses of entertainment for visitors and invalids who may resort to the said springs in the county of Culpepper; and by this name and style are hereby in-Rights, powers vested with all the rights, powers and privileges conferred, and made and restrictions subject to all the rules, regulations and restrictions imposed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable to and consistent with the purposes and designs of the said company hereby intended to be incorporated.

2. The capital stock of the said company shall not be less than two Capital. thousand dollars nor more than one hundred thousand dollars, in shares

of twenty-five dollars each.

Real catate.

Personal property. Stock personal estate, and trans-ferable.

3. The said company shall have power to purchase and hold real estate, not exceeding one thousand acres; and may sell and convey, lease out or rent any portion thereof, erect suitable buildings, and may purchase and hold personal property, for the purpose of conducting the business of the said company. The stock of said company shall be deemed personal estate, and pass as such to the representatives of each stockholder, and may be transferred and certificates thereof issued in

such manner and form as the president and directors or stockholders in Real property, general meeting from time to time shall discours. A construct the said company how disposed of herein contained shall be so construed as to prevent the said company general meeting from time to time shall direct : Provided, That nothing from selling and conveying or otherwise disposing of, as such, any part of the real estate which they may hold and which may hereby be incorporated into stock and declared personal estate, or to authorize the conveyance thereof, when sold or disposed of, in any other manner than that prescribed by the laws of this commonwealth for the convevance or disposal of real estate, or when it is so sold and conveyed, from being considered real estate.

Commissioners.

4. The following persons, any two of whom may act, to wit: Edward A. Freeman, Lewis P. Nelson, Thomas A. Foushee and Thomas O. Flint, are hereby appointed commissioners to carry this act into effect.

5. This act shall be in force from its passage. Commencement.

> CHAP. 296.—An ACT incorporating the Union Hall company in Lexington. [Passed May 27, 1852.]

Preamble.

Whereas by an act of March seventh, eighteen hundred and fifty-one, the Franklin society and library company of Lexington were empowered to raise a capital stock of twenty-five thousand dollars for the purpose of erecting a building suitable for a town hall, and for other purposes; and whereas it is represented to the general assembly that the said society has declined to take advantage of or exercise the powers conferred by that act, and the people of Lexington are desirous of uniting their means in order to erect a building suitable for a town hall and as a place of meeting for the benevolent associations of said town: Therefore.

Eubscriptions, where and by whom taken.

Capital.

1. Be it enacted, That it shall be lawful for books of subscription to be opened in the town of Lexington, under the direction of Robert J. White, Samuel Vanderslice, William Jordan, George A. Baker, Joshua L. Deaver, Matthew S. Kahle and Hugh Barclay, or any three of them, after such notice as they may deem expedient, and for subscriptions to be received in shares of twenty-five dollars each, to an amount not exceeding a capital stock of twenty-five thousand dollars, for the purposes above recited: And provided also, That the lower story of said building may contain rooms suitable for shops and places of business.

Union hall company incorpo-

2. So soon as four hundred shares shall have been subscribed by individuals, solvent and fully able to pay, the subscribers shall be incorporated under the name and style of "The Union Hall Company of Lexington."

Subscriptions by Odd Fellows and Sons of Temperance.

3. It shall be lawful for Rockbridge Lodge number fifty-eight of the order of Odd Fellows, and for the Divisions numbers forty-five and three and twenty-three of the Sons of Temperance, to subscribe to said capital stock to an amount not exceeding fifteen hundred dollars each, and for said associations to take and hold, by trustees, an interest in the real and personal property of said company proportioned to the stock thus subscribed by them.

Subscription by

4. It shall be lawful for the mayor and council of Lexington to take Lexington.
To be submitted the vote of the citizens of said town over twenty-one years of age, who to vote of people, are assessed with town levies, upon the question of subscribing a sum not exceeding two thousand dollars to the capital stock of said company. Such vote shall be taken, after two weeks' notice of the same by publication in the newspapers printed in the town of Lexington; and if three-fifths of those voting upon the question shall be in favor of such subscription, the said mayor and council shall make said subscription on behalf of the people of said town, and shall hold for them stock in said

company to the amount thus subscribed. In order to meet the pay- Power to borrow ments on such subscription as they fall due, the said mayor and council to per subscripmay borrow, on behalf of the said people, the sums necessary for that tions. purpose.

5. This act shall be subject to modification or repeal, at the pleasure Actundercontrol

of the general assembly.

6. This act shall be in force from its passage.

Commencement.

CHAP. 297.—An ACT incorporating the Cape Charles house company. [Passed April 30, 1852.]

1. Be it enacted by the general assembly, That George T. Jarvis, Ed-Cape Charles ward W. Nottingham, George P. Fitchett, Thomas R. Jarvis, John E. house company incorporated. Nottingham, Thomas B. Jarvis, and such other persons as may be associated with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Cape Charles House Company," for the purpose of erecting buildings and making other improvements upon certain lands situated at Cape Charles in Northampton county, now belonging to Thomas Hallett, and making all other necessary arrangements for the accommodation of visitors and travelers; and by that name and style they, their associates and successors Rights, powers are hereby invested with all the rights, powers and privileges (so far as the and liabilities. same apply to the purposes aforesaid) conferred upon such bodies politic and corporate by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, and are hereby made subject to all the rules and regulations, restrictions and limitations imposed by the said chapters of the Code.

2. Be it further enacted, That the capital stock of said company shall Capital. not be less than five thousand dollars nor more than two hundred thousand dollars, to be raised by subscription in shares of ten dollars each; for which purpose books of subscription may be opened in the said Subscriptions, county of Northampton, or any other place or places that may be de-where and by whom taken. signated by the commissioners herein named, under the superintendence of any two or more of the persons named in the first section of this act, and elsewhere as may be directed by any two or more of said persons mentioned as aforesaid in the first section, under the superintendence of any two or more of the members or associates aforesaid, but in conformity always with the rules and regulations prescribed by the said act

of the thirteenth February eighteen hundred and thirty-seven.

3. Be it further enacted, That the said company shall have the right Real estate. to purchase, take and hold not exceeding sixty acres of arable land and four hundred acres of beach shore not arable, at and near Cape Charles in the said county.

4. Be it further enacted, That whenever the capital stock of the When charter said company shall be concentrated by purchase or otherwise, in the forfeited. hands of less than five members of said company, all the corporate rights and privileges hereby granted shall cease and determine; and the said lands and other property of said company shall be distributed and transferred in like manner as other lands and property are held and transferred in this commonwealth, according to the rights of the parties.

5. Be it further enacted, That the lands, houses and all other property Liability for of the said corporation shall be liable for the debts of the company; and debts.

it shall be lawful for the president and directors thereof to effect insurance on the buildings and other property that may belong to said corporation.

6. Be it further enacted, That it shall not be lawful for said company Conveyances of to convey the real or personal estate which they are hereby authorized real estate void. to hold by mortgage, deed of trust or otherwise, to secure any debt which they may contract; and if any such conveyance shall be made, the same shall be void and of no effect, and this charter shall thereby be forfeited; and it shall be lawful thereupon for any creditors of said How creditors company to institute suits in chancery, and the court shall have power, thereof. and is hereby required to decree a sale of the estate of the company, real and personal, for the payment of their debts.

Act under control of legislature.

7. Be it further enacted, That this act shall at all times be subject to be amended, modified or repealed, as the general assembly shall think proper.

Commencement.

8. This act shall be in force from the passing thereof.

Chap. 298.—An ACT incorporating the Ocean house company. [Passed May 22, 1852.]

Ocean house company incorporated. 1. Be it enacted by the general assembly, That James S. French, Marshall Parks, T. B. Irwin, A. W. Kirkwood, William T. Walters and H. B. Young, with such other persons as may be hereafter connected with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Ocean House Company," for the purpose of erecting and constructing buildings in the county of Elizabeth City, and making all other necessary arrangements for the accommodation of travelers and other visitors; and are hereby invested with all the rights, privileges and powers conferred on bodies politic and corporate by the provisions of the fifty-sixth and fifty-seventh chapters of the Code of Virginia, and subject to all the restrictions and

Rights, powers and liabilities.

Capital.

regulations of said chapters.

2. The capital stock of said company shall not be less than thirty thousand nor more than one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have power to purchase and hold land, not exceeding one hundred acres.

Real estate.

in the county aforesaid.

3. This act shall be in force from its passage.

CHAP. 299.—An ACT incorporating the Union cemetery. [Passed February 27, 1852.]

Union cemetery company incorporated.

1. Be it enacted by the general assembly, That James B. Beverly, Thomas P. Knox, Armistead M. Vandevanter, Daniel G. Smith, Charles B. Tebbs, James S. Harris, Asa Jackson, William H. Gray, John Hoffman, Addison H. Clarke, James Garrison, George R. Head, James Steadman, Levin W. S. Hough and Edward Hammat, their successors and associates, and all such persons as hereafter may become owners of lots in the cemetery hereby incorporated, shall be and are hereby created and made a body politic and corporate under the name and style of "The Union Cemetery."

Real property.

Power to improve cemetery.

By-laws.

2. The said company shall have the right to purchase and hold, in or near the town of Lecsburg, not exceeding in quantity ten acres of land, for the purposes of said cemetery; and shall have power to lay out and ornament the same, to erect such buildings thereon as it may deem necessary and proper to arrange burial lots, and to make and enforce by reasonable fines and penaltics, such by-laws, rules and regulations for the government of the establishment, as it shall judge best: Provided, The same be not contrary to the constitution and laws of the United States or of this state.

Streets and roads not to pass through cemetery.

or of this state.

3. That hereafter no streets, lanes, alleys or roads shall be made or established or made over said land or any part thereof, except for the use of the said company, without the consent of the said company, nor shall the same be condemned or taken for any public use, without the like consent.

Trustees to be chosen.

4. The estate, property and affairs of said corporation, not otherwise provided for, shall be managed and controlled by a board of nine trustees, to be chosen from amongst the original corporators, or those who may have become proprietors of lots in said cemetery; in which election, and all other meetings, each corporator or lot owner shall be en-

Votes of members.

First general meeting, when and where. titled to one vote.

5. That the first meeting of the members of said company shall take place in the town of Leesburg at such time as may be designated by the first six of the persons named in this act, seven days' public notice of the same being given previous to said meeting; at which meeting, and at all other meetings, the members may vote in person or by proxy.

6. That there shall ever after be annual meetings of the members for Annual meetings. the election of trustees at such time as the by-laws of the company may require; but in the event of a failure to hold such meetings, the trustees Term of trustees. then in office shall continue until their successors may be elected.

7. That immediately after the first general meeting for the election of President and trustees, and of all other elections of trustees, they shall elect from their officers to be own body a president, and shall elect a treasurer and secretary and such other officers as the by-laws may designate, and may fill any vacancy vacancies filled.

that may occur in any office.

8. That no interest of a corporator or lotholder in the property of Property not lisaid company shall be subjected in any way to the payment of debts, able to debts or pass by insolvency, or into the hands of executors or administrators, or taxes. be liable for taxes of any description, but the rights and interests shall How to descend. remain in the families of each according to the course of descents.

9. The said company shall have full power to acquire, by sales of lots, Amount of progifts and devises in money and personal property, an amount in value not perty limited. exceeding ten thousand dollars: Provided however, That said company

shall make no use of said money, property or effects except for the improvement, repairs and maintenance of the cemetery.

10. The grounds and improvements thereon, and all other property Cemetery subject and things connected therewith belonging to said company hereby incor- to police regula porated, shall for all police purposes be under the protection of and sub-tions of Leesject to the ordinances of the corporation of the town of Leesburg; and Jurisdiction of the mayor, recorder and common council of said corporation shall have Lecsburg. jurisdiction of all offences committed upon and within said grounds, in the same manner as if done and committed within the town of Leesburg.

11. This act shall be in force from its passage.

Commencement

CHAP. 300.—An ACT incorporating the Sinking Spring cemetery. [Passed April 16, 1852.]

1. Be it enacted by the general assembly, That David Campbell, Jacob Sinking spring Lynch, Wm. Y. C. White, R. R. Preston, D. Trigg, J. R. Gibson, Thos. cemetry compared to the control of the control o L. Preston, C. J. Cummings, David C. Cummings, John M. Preston and ny incorporated. John A. Campbell, their successors and associates, and such persons as may be hereafter associated with them, shall be and are hereby made and constituted a body politic and corporate under the name of "The Sinking Spring Cemetery," subject to the provisions of the fifty-sixth Regulations. and fifty-seventh chapters of the Code of Virginia, so far as the same may be applicable and necessary for cemetery purposes: Provided, That Real estate. at no one time shall the real estate held by such company exceed fifty

2. The officers of said company shall be a president, secretary and Officers of comtreasurer, who shall be annually elected by the company, and whose pany. duties shall be from time to time prescribed by the by-laws, rules and regulations of the company. The first election to be holden on the first When elected. Monday in May eighteen hundred and fifty-two.

3. The said company shall from time to time elect such persons to fill Vacancies supvacancies which may occur by death, resignation or removal: Provided plied. however, That it shall require at least a majority of the remaining corpo-

rators to make such an election.

4. No interest of a corporator in the property of said company shall Property not iibe subject, in any way, to the payment of debts contracted subsequent able to debts or to the actual use of such property for cemetery purposes, pass by insolvency or into the hands of executors or administrators, but the rights How to descend. and interests shall remain in the families of each according to the course of descents.

5. No streets, lanes, roads or alleys shall at any time be established Streets and roads or made over the said land, or any part thereof, without the consent of not to pass the company; nor shall the same be condemned or taken in any way tery. or manner for any public use without such consent.

6. This act shall be in force from its passage.

Commencement.

CHAP. 301.—An ACT to amend the charter of the Albemarle and Nelson mining and smelting company.

[Passed March 5, 1852.]

Preamble.

Whereas application has been made to the general assembly to amend the second and fourth sections of an act, entitled "an act incorporating the Albemarle and Nelson mining and smelting company," passed on the fifteenth day of March eighteen hundred and forty-nine: Therefore,

Part of charter repealed. See Acts 1848-9. p. 199, 200.

1. Be it enacted by the general assembly. That the second and fourth sections of the act, entitled "an act incorporating the Albemarle and

Capital.

Nelson mining and smelting company," passed on the fifteenth day of March eighteen hundred and forty-nine, be and the same are hereby repealed, and the following substituted therefor: That the capital stock of said company shall not be less than twenty thousand dollars nor more than one hundred and fifty thousand dollars, to be divided into shares of five dollars each; and the said company shall have the right to purchase and hold land, not exceeding five hundred acres, in the counties of Albemarle and Nelson, including the lands of said Faber in the county of Albemarle; and to hold personal property, machinery, houses and roads, to an amount not exceeding fifty thousand dollars in value, in the coun-

Amount of property.

ties of Albemarle and Nelson. Time for com-2. That the said company shall have the farther time of three years nencing operafrom the passage of this act to organize and commence their operations, and shall have and exercise all the powers, rights and privileges by this

tions. Commencement.

Control over

charter.

act granted. 3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 302.—An ACT to incorporate the Alliance gold mining company. [Passed May 27, 1852.]

1. Be it enacted by the general assembly, That John W. Tilford, and

Alliance gold mining company such other persons as may hereafter be associated with him, shall be and incorporated.

they are hereby incorporated and made a body politic and corporate under the name and style of "The Alliance Gold Mining Company," for the purpose of mining for and working in gold and other minerals in the counties of Buckingham, Goochland, Louisa, Spotsylvania, Stafford, Fauquier and Culpeper; and they are hereby invested with all the rights, privileges and powers conferred upon such bodies politic and corporate by the Code of Virginia, and subjected to all the restrictions, rules and regulations by said Code prescribed, so far as they are consistent with

Rights, powers and liabilities.

the powers herein granted and conferred. Be it further enacted, That the capital stock of the said company

Capital. Real estate.

shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have the right to purchase and hold land not exceeding one thousand acres in each of the aforesaid counties.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 303 .- An ACT to incorporate the Arcadia mining and manufacturing company.

[Passed March 27, 1852.]

Arcadia mining and manufacturing company in-corporated.

1. Be it enacted by the general assembly, That Jules L. Ramie, and such other persons as may hereafter be associated with him, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Arcadia Mining and Manufacturing Company," for the purpose of mining and of manufacturing minerals, vegetables and other articles and substances in and from the counties of Kanawha and Boone; and the said company are hereby invested with all the rights, privileges and powers conferred on such bodies politic and corporate, and subjected to all the rules, regulations

Rights, powers and liabilities.

and restrictions imposed by the Code of Virginia, so far as they are applicable to and not inconsistent with the powers and privileges herein

contained and granted.

2. The capital stock of said company shall not be less than one Capital. hundred thousand dollars nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company Real estate. shall have the right to purchase and hold lands not exceeding five thousand acres at any one time in the said counties of Kanawha and Boone.

2. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the Control over

general assembly.

CHAP. 304.—An ACT to incorporate the Atlantic mining company.
[Passed May 14, 1852.]

1. Be it enacted by the general assembly, That John M. Herndon, and Atlantic mining such other persons as may hereafter be associated with him, shall be company incorpand they are hereby incorporated and made a body politic and corporate under the name and style of "The Atlantic Mining Company," for the purpose of mining, smelting and working gold and other minerals in the counties of Spotsylvania, Stafford, Fauquier, Culpeper, Louisa, Goochland and Buckingham; and they are hereby invested with all Rights, powers the rights, privileges and powers, and subject to the general regulations and liabilities. and restrictions contained in chapters fifty-six and fifty-seven of the Code of Virginia, so far as said chapters relate to mining and manufacturing companies.

2. Be it further enacted, That the capital stock of the said company Capital. shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and the Real ostate.

said company shall have the right to purchase and hold lands not exceeding one thousand acres in each of the above-named counties.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-Control over ral assembly.

CHAP. 395.—An ACT to incorporate the Avon gold mining company.

[Passed May 27, 1852.]

1. Be it enacted by the general assembly, That Courad H. Hunt, and Avongoldmining such other persons as may be hereafter associated with him, shall be and company incorthey are hereby incorporated and made a body politic and corporated under the name and style of "The Avon Gold Mining Company," for the purpose of mining for gold and other minerals in the counties of Louisa, Fluvanna, Goochland, Spotsylvania, Orange, Culpeper, Fauquier, Stafford and Buckingham; and they are hereby invested with all Rights, powers the rights, powers and privileges, and subjected to all the rules, regulations and restrictions, prescribed by the Code of Virginia in regard to the management and control of such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights and privileges herein granted.

2. The capital stock of the said company shall not be less than seven-Capital. ty-five thousand nor more than five hundred thousand dollars, to be divided into shares of five dollars each; and the said company shall have Real estate. the right to purchase and hold lands, not exceeding two thousand acres, in the said counties of Louisa, Fluvanna, Goochland, Spotsylvania,

Orange, Culpeper. Fauquier, Stafford and Buckingham.

3. This act shall be in force from its passage, and shall be subject to Commencement, any amendment, alteration or modification, at the pleasure of the gene-Control over ral assembly.

CHAP. 306.—An ACT to incorporate the Bloomingdale mining and manufacturing company in the county of Cabell.

[Passed May 14, 1852.]

 Be it enacted by the general assembly, That Cyrus Moore and Abra-Bloomingdale ham Moore, and such other persons as may be hereafter associated with mining and manufacturing com- them, shall be and they are hereby incorporated and made a body poli-

pany incorpo- in tic and corporate, under the name and style of "The Blooming dale Mining and Manufacturing Company," for the purpose of mining and manufacturing mineral, vegetable and other substances in the county of Cabell; and they are hereby invested with all the rights, powers and privileges, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia, so far as the same are applicable to and not inconsistent with the powers and rights herein granted and conferred.

Rights, powers

Capital. Real estate.

2. The capital stock of said company shall not be less than fifty thousand nor more than five hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the said company shall have the right to purchase and hold lands, not exceeding three thousand acres at any one time, in the said county of Cabell.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 307.—An ACT to incorporate the Cabell and Logan coal mining and manufacturing company.

[Passed April 21, 1852.]

Cabell and Logan mining and ma-nufacturing company incorpo-

1. Be it enacted by the general assemby, That Anthony Lawson, Evermont Ward, Alfred M. Whitney, David McComas, and such other persons as may be hereafter associated with them, he and they are hereby incorporated and made a body politic and corporate under the name and style of "The Cabell and Logan Mining and Manufacturing Company," for the purpose of mining and manufacturing mineral, vegetable or ani-mal substances in said counties of Cabell and Logan, and are hereby invested with all the rights, privileges and powers conferred on such hodies politic and corporate by the Code of Virginia, and subjected to all the restrictions, rules and regulations by said Code prescribed, so far as they

are consistent with the powers herein granted and conferred.

Rights, powers

Capital

Real estate.

Time for organizing company.

Commencement. Control over

charter.

mineral rights and privileges of not more than twenty-five thousand acres of land. 3. The said company shall have the term of three years from the

purchase and hold lands not exceeding four thousand acres, and also the

2. The capital stock of said company shall not be less than fifty thousand nor more than one million of dollars, to be divided into shares of one hundred dollars each; and the said company shall have the right to

passage of this act to organize under its provisions. 4. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 308.—An ACT authorizing the Cannel coal company of Coal river to subscribe to the capital stock of the Coal river navigation company.

[Passed May 10, 1852.]

Subscription to

1. Be it enacted by the general assembly, That the Cannel coal com-Goal river navi-gation company, pany of Coal river, in their corporate capacity, to be authorized to subscribe for and hold stock in the Coal river navigation company.

Commencement.

2. This act shall be in force from its passage.

CHAP. 309.—An ACT incorporating the Cassville mining and manufacturing company in the county of Wayne.

[Passed March 31, 1852.]

Cassville mining and manufacturing company in-corporated.

1. Be it enacted by the general assembly, That Frederick Moore, Jeremiah Wellman, and such other persons as may be associated with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Cassville Mining and Manufacturing Company," in the county of Wayne, for the purpose of mining and manufacturing mineral, vegetable and animal substances; and the said company shall have and possess all the rights and privileges,

Rights, powers and liabilities.

and be subject to all the rules, regulations and restrictions prescribed by the Code of Virginia in relation to joint stock companies.

2. Be it further enacted. That the capital stock of said company shall Capital. be not less than five hundred dollars nor more than one hundred thousand dollars, to be divided into shares of twenty-five dollars esch; and Real estate. the said company shall have the right to acquire and hold lands, not exceeding one thousand acres at any one time.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene- Control over

ral assembly.

CHAP. 310.—An ACT to incorporate the Cincinnati and Guyandotte coal mining company. [Passed May 26, 1852.]

1. Be it enacted by the general assembly, That Ebenezer Merritt, John Cincinnati and Joliffe, Thomas P. Whitehead, Jonathan P. Clark, James Parker, E. M. Guyandotte cod Jonathan P. Clark, James Parker, E. M. Guyandotte Cod Jonathan P. Clark, James Parker, P. Clark, James Parker, P. Clark, James Parker, P. Clark, Jame Gregory, Maynard French, Harman Ficke, William H. Kelsey, of the incorporated. state of Ohio; L. G. Broughan, of the state of Vermont; David McComas and Alfred M. Whitney, of the state of Virginia; and all other persons who now are stockholders in the Cincinnati coal mining company, formed on the fourth day of February eighteen hundred and fifty, by virtue of an act of the general assembly of the state of Ohio, entitled "an act relative to incorporation for manufacturing and other purposes," passed February the ninth, eighteen hundred and forty-six, together with such other persons as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Cincinnati and Guyandotte Coal Mining Company," for the purpose of mining for coal, salt, iron and other mineral and vegetable substances, and for manufacturing, transporting and exporting the same to and from their works, on their land on and near the Guyandotte river in the county of Cabell, to market; and they Rights, powers are hereby invested with all the powers and privileges, and subjected to and liabilities. all the rules, regulations and restrictions prescribed by the Code of Virginia for the control and management of such bodies politic and corporate, so far as they are applicable and not inconsistent with rights and

powers herein granted. 2. The capital stock of said company shall not be less than two hun- Capital. dred thousand nor more than five hundred thousand dollars, to be divided into shares of twenty dollars each; and they shall have the right Real estate. to purchase and hold land in said county of Cabell, not exceeding five

thousand acres at one time. 3. The shares of any individual, owned in the capital stock of said stock deemed company, shall be regarded as personal property, and subject to the laws personalty.

regulating personal property, and not the laws regulating real estate.

4. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the general Control over charter. assembly.

CHAP. 311.—An ACT to incorporate the Edinburg manufacturing company in the county of Shenandoah.

[Passed May 1, 1852.] 1. Be it enacted by the general assembly, That George Grandstaff, Edinburg manu-Jacob Lantz, Cyrus Springler, Peter Belew, John J. Allen, and such facturing comparated other persons as may be associated with them, shall be and they are

hereby incorporated and made a body politic and corporate under the name and style of "The Edinburg Manufacturing Company," for the purpose of manufacturing woolen goods, flour, lumber and other articles; and the said company shall have and possess all the rights and privileges, Rights, powers and be subject to all the rules, regulations and restrictions prescribed by and liabilities. the Code of Virginia in relation to joint stock companies.

2. Be it further enacted, That the capital stock of said company shall Capital. not be less than ten thousand nor more than one hundred thousand dollars, in shares of twenty-five dollars each; and the said company shall

Real estate.

have the right to acquire and hold lands not exceeding five hundred

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 312.—An ACT to incorporate the Elk run copper mining company in the county of Fauquier.

[Passed May 6, 1852.]

Elk run copper

1. Be it enacted by the general assembly, That George S. Smith, and mining company such other persons as may hereafter be associated with him under the incorporated. provisions of this act, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Elk Run Copper Mining Company," in the county of Fauquier, for

Rights, powers

the purpose of mining copper and vending the same, or transporting or exporting the same for sale or otherwise; and the said company is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions contained in the Code of Virginia, title eighteen, chapter fifty-seven.

Capital.

2. The capital stock of said company shall not be less than fifty thousand nor more than three hundred thousand dollars, to be raised by subscription in shares of one hundred dollars each; for which purpose

Subscriptions.

books may be opened under the supervision of George S. Smith, or such person or persons as may be designated by him, at such times and places as he may designate and appoint. 3. The said company shall have the right to purchase and hold land,

Roal catate.

not exceeding two thousand acres, in the county of Fauquier. 4. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general

Commencement. Control over charter.

assembly.

CHAP. 313 .- An ACT incorporating the Falling Rock creek coal company. [Passed May 13, 1852.]

Gay, and such other persons as may hereafter from time to time be

1. Be it enacted by the general assembly, That C. B. Stuart and G.

Falling Rock creek coal company incorporated.

associated with them, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of "The Falling Rock Creek Coal Company," for the purpose of digging, mining, raising and transporting coal in and from the county of Kanawha, and such other counties as may hereafter be created out of parts of said county; and they are hereby invested with all the rights, privileges and powers conferred on such bodies politic and corporate by the Code of Virginia, and shall be subject to all the rules, regulations and restrictions provided and prescribed by said Code, so far as they are applicable to and not inconsistent with the powers and privileges herein contained

Rights, powers and liabilities.

Capital.

and granted. 2. Be it further enacted, That the capital stock of the said company shall not be less than one hundred thousand dollars, nor more than one million of dollars, to be divided into shares of one hundred dollars each; and the said company shall have the right to purchase and hold lands, not exceeding two thousand acres at any one time, in said county of Kanawha, or any other county that may hereafter be formed and created out of parts of said county.

3. Be it further enacted, That it shall and may be lawful for the said

Real estate.

Authority to con-struct railroads.

company to construct a railroad from any point on their said lands to the Elk river, or to the Great Kanawha river, through the lands of said company. And to enable said company to carry out the provisions in this section contained, they are hereby invested with all the rights, privileges and powers, and subjected to all the limitations and restrictions contained in the Code of Virginia, so far as the same may be applicable to and not inconsistent with the provisions of this act.

Control over charter.

4. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 314.—An ACT to incorporate the Falls manufacturing company. [Passed March 10, 1852.]

1. Be it enacted by the general assembly of Virginia, That John H. Fallsmanusactur-Eustace, Thomas E. Jeter, Wm. F. Ritchie, Wm. Gouldin, Wyatt M. ing company in-Elliott, Charles S. Morgan, Wm. W. Dunnavant and Hiram Ellis, or a corporated. majority, and such persons as may be associated with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Falls Manufacturing Company," for the purpose of manufacturing paper or other articles composed of cotton, hemp, flax, wool, silk, iron, brass, wood, or other things in the county of Chesterfield; and they are hereby invested with all the rights, Rights, powers powers and privileges conferred on such bodies politic and corporate, and liabilities. and shall be subject to all the regulations and restrictions prescribed by the provisions of chapter fifty seven of the Code of Virginia.

2. The capital stock of the said company shall not be less than twenty Capital. thousand dollars nor more than two hundred thousand dollars, to be divided into shares of one hundred dollars each; and the said company Real estate. shall have authority to hold, in one or more parcels in fee simple in the counties of Chesterfield and Henrico, not exceeding at any one time five hundred acres of land. This act shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

3. This act shall be in force from the passage thereof.

Commencement.

CHAP. 315.—An ACT to incorporate the Forest Hill mining company. [Passed May 11, 1852.]

1. Be it enacted by the general assembly of Virginia, That John C. Gist, Forest Hill min-Waldo Hutchins, and such other persons as may hereafter from time to ing company intime be associated with them, shall be and they are hereby incorporated. and made a body politic and corporate under the name and style of "The Forest Hill Mining Company," for the purpose of mining and manufacturing coal and iron, and transporting the same to market in and from the counties of Kanawha and Fayette, and such other counties as may hereafter be created out of parts of said counties; and they are Rights, powers hereby invested with all the rights, privileges and powers conferred on and liabilities. such bodies politic and corporate by the fifty-seventh chapter of the Code of Virginia.

2. Be it further enacted, That the capital stock of said company shall Capital. not be less than thirty thousand dollars, nor more than three hundred thousand dollars, to be divided into shares of twenty dollars each; and Real estate. the said company shall have the right to purchase and hold lauds, not exceeding five thousand acres at any one time, in the said counties of Kanawha and Fayette, or in any new counties which have been or may

hereafter be formed or created out of parts of said counties. 3. Be it further enacted, That it shall and may be lawful for the said Authority to concompany to construct, on their own lands, for their own purposes, a rail-struct railroads.

Kanawha river or other stream.

4. This act shall be in force from the passage thereof, and shall be Commencement. subject to any amendment, alteration or modification, at the pleasure of control over the general assembly.

CHAP. 316.—An ACT incorporating the Franklin gold mining company. [Passed May 26, 1852.]

1. Be it enacted by the general assembly, That John B. Morgan, and Franklin gold such other persons as may be hereafter associated with him, shall be and mining comprised. they are hereby incorporated and made a body politic and corporate by the name and style of "The Franklin Gold Mining Company," for the purpose of mining for and working in gold and other minerals in the counties of Stafford, Fauquier, Culpeper and Spotsylvania; and they Rights, powers are hereby invested with all the rights, privileges and powers, and made and liabilities. subject to all the restrictions and regulations prescribed by the Code of Virginia in relation to joint stock companies.

road or railroads from any point or points in their said land to the Great

Capital.

Real catate.

2. Be it further enacted, That the capital stock of the said company shall not be less than fifty thousand dollars nor more than three hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have the right to purchase and hold lands in the said counties of Stafford, Fanquier, Culpeper and Spotsylvania, not exceed-

Commencement. Control over charter.

ing four thousand acres in all.

3. This act shall take effect from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 317.—An ACT incorporating the Fredericksburg gas company.

[Passed May 24, 1852.] 1. Be it enacted by the general assembly, That William H. White, and

Predericksburg gas company incorporated.

such other persons as may hereafter be associated with him, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Fredericksburg Gas Company," with full power to construct suitable works for the manufacture, sale and distribution of gas from bituminous coal and other substances for the purpose of public and private illumination. And for the purpose of carrying into full effect the works herein provided for, the said company shall have power to purchase and hold such real estate, not exceeding three acres, as may be necessary for that object; and the said company is hereby invested with all the rights, powers and privileges conferred, and made subject to the rules, regulations and restrictions prescribed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, except in so far as may be otherwise provided for by this act.

Roal estate.

Rights, powers and liabilities.

Capital.

Subscriptions.

2. The capital stock of said company shall not be less than fifteen thousand nor more than one hundred thousand dollars, to be divided into shares of fifty dollars each, to be raised by subscription; for which purpose, if the stock be not otherwise subscribed, books may be opened in the town of Fredericksburg, under the supervision of William H. White, or such other persons as may hereafter be associated with them, or any two of them, in conformity with the chapters aforesaid.

Votes of members.

Power to open

Power to oper streets.

How repaired.

3. Each and every share of stock in said company shall entitle the owner thereof to one vote thereon, in person or by proxy.

4. The said company are hereby authorized to open the streets, lanes, alleys and public squares of the town aforesaid for the purpose of distributing gas: Provided, That when the same shall be opened for that purpose, they shall, as soon as practicable, be repaired by the said company, at their own cost and expense, subject to the approval of the council of the said town.

Penalty for interfering with gas works.

5. Any person or persons who shall willfully open a communication into the street gas main or other gas pipe of said company, without authority from the president and directors thereof, or who shall willfully let on the gas after it has been stopped by order of the president and directors thereof for repairs or otherwise, or who shall put up any pipes or burners, in addition to the pipes or burners originally put up and inspected, or introduce gas into them without authority as aforesaid, or shall willfully do, or cause to be done, any act or acts whatever, whereby the works of the said company, or any pipe, conduit, plug, cock, reservoir, metre, gas caps of the cock boxes, or any engine, machine, structure or any matter or thing appertaining to the same, shall be obstructed, injured or destroyed, the person or persons so offending shall be subject to a penalty of not less than ten nor more than twenty dollars for each and every such offence and injury, to be recovered by warrant before the mayor or any alderman of the town of Fredericksburg, one-half to be paid to the informer, and the other half to the treasurer of said town for its own use; and shall moreover forfeit and pay to the said company double the amount of damages sustained by reason of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action to be brought in any court of record in this state.

How recoverable.

Ordinances to protect company.

6. The council of said town shall have power to pass ordinances for

the protection from injury, by adequate penalties not exceeding twenty dollars in any one case, of the works and property of the said company.

7. This act shall be in force from its passage.

Commencement.

CHAP. 318.—An ACT to incorporate the Fredericksburg and Lowell manufacturing company.

[Passed June 3, 1852.]

1. Be it enacted by the general assembly, That William M. Mitchell, Fredericksburg and such other persons as may hereafter be associated with him, shall be and Lowell mand they are hereby incorporated and made a body politic and corporate pany incorporated the name and style of the "Fredericksburg and Lowell Manufac-rated. turing Company," for the purpose of manufacturing vegetable and animal substances in any or all of their combinations in the counties of Spotsylvania and Stafford; and they are hereby invested with all the Rights, powers rights, privileges and powers, and subjected to all the rules, regulations and liabilities. and restrictions prescribed by the Code of Virginia in regard to such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights and privileges herein granted.

2. The capital stock of the said company shall not be less than fifty Capital. thousand dollars nor more than two hundred thousand dollars, to be divided into shares of fifty dollars each; and they shall have the right to Real estate, purchase and hold lands, not exceeding five hundred acros at any one

time, in the said counties of Spotsylvania and Stafford.

3. This act shall be in force from its passage, and shall be subject to Commencement any amendment, alteration or modification, at the pleasure of the gene-charter.

CHAP. 319.—An ACT to incorporate the Garnett gold mining company in the county of Buckingham.

[Passed February 28, 1852.]

1. Be it enacted by the general assembly, That J. W. Beebee and his Garnett mining associates, successors and assigns be and they are hereby constituted a company incorbody politic and corporate by the name and style of "The Garnett Mining Company," for the purpose of mining for and working in gold and other minerals and metals in the counties of Buckingham, Louisa, Fluvanna and Spotsylvania; and they are hereby invested with all the Rights, powers rights, powers and privileges conferred on such bodies politic and corporate, and shall be subject to all the regulations and restrictions prescribed by chapter fifty-seven of the Code of Virginia.

2. The capital stock of said company shall not be less than fifty thou- Capital. sand dellars nor more than one million dollars, to be divided into shares of twenty dollars each; and the said company shall have authority to Real estate. hold, in one or more parcels in fee simple in the counties aforesaid, not

exceeding at any one time three thousand acres of land.

3. This act shall be in force from and after its passage, and shall be Commencement. subject to any amendment, alteration or modification by the general as-Control over sembly.

CHAP. 320.—An ACT to incorporate the Great Falls manufacturing company.

[Passed May:, 1852.]

1. Be it enacted by the general assembly, That Thomas Ap C. Jones, Great Falls ma-William A. Bradley, Hall Neilson, Patterson Jones, John R. Love and nufacturing compensers. Bells and such other persons as they may associate with rated. them, be and they are hereby incorporated and made a body politic and corporate, under the name and style of "The Great Falls Manufacturing Company," for the purpose of manufacturing cotton, hemp, flax, wool, silk, paper, iron, copper, brass, lumber and wood, and for improving the water power at or near the great falls of the Potomac river in the county of Fairfax; and they are hereby invested with all the rights, powers Rights, powers and privileges conferred and made subject to all the restrictions and and liabilities. regulations imposed on such bodies politic and corporate by the fifty-seventh chapter of the Code of Virginia.

Capital.

2. The capital stock of the said company shall not be less than one hundred thousand dollars nor more than one million of dollars, to be raised by subscription in shares of one hundred dollars each, at any place in this commonwealth or elsewhere, under the superintendence of any two or more of the persons named in the first section of this act, or of commissioners appointed by a majority of them.

Real estate.

3. The said company shall have the right to purchase and hold lands in one or more tracts in the county of Fairfax, not exceeding three thousand acres.

Commencement. Control over charter.

4. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

Chap. 321.—An ACT to incorporate the Great Sandy mining and manufacturing company in the counties of Wayne and Logan.

[Passed May 14, 1852.]

turing company incorporated.

Great Sandy min1. Be it enacted by the general assembly, That William Burnett, Josias ing and manuface M. Steed and Frederick Moore, and such other persons as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Great Sandy Mining and Manufacturing Company," for the purpose of mining coal and other mineral substances, and of manufacturing salt, iron and other mineral articles in the counties of Wayne and Logan, and for transporting and exporting the same in, upon, or from any lands belonging to the said company in said counties of Wayne and Logan; and they are hereby invested with all the powers, privileges and rights

Rights, powers and liabilities.

conferred, and subjected to all the rules, regulations and restrictions imposed by the Code of Virginia, so far as the same are not inconsistent with the powers and privileges herein granted. 2. The capital stock of the said company shall not be less than two

Capital. Real estate.

hundred thousand dollars, nor more than one million of dollars, to be divided into shares of one hundred dollars each; and it shall be lawful for the said company to purchase and hold lands in the said counties of Wayne and Logan not exceeding five thousand acres at any one time. 3. This act shall be in force from its passage, and shall be subject to

Commencement. Control over charter.

any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 322.—An ACT to incorporate the Guyandotte coal mining company. [Passed March 27, 1852.]

Guyandotte coal mining and ma-nufacturing company incorpo-

1. Be it enacted by the general assembly, That E. M. Grogory, Jonathan P. Clark, L. G. Bingham, A. M. Whitney and David McComas, together with such other persons as may hereafter be associated with them, shall be and they are hereby incorporated and made a body politic and corporate by the name and style of "The Guyandotte Coal Mining and Manufacturing Company," for the purpose of mining for and selling and raising coal, coke, salt and other minerals on lands owned by any or all of the above-named persons on or near the Guyandotte river in the county of Cabell, and of manufacturing iron, salt and other arti-

Rights, powers

cles on said lands; and they are hereby invested with all the rights, powers and privileges conferred, and made subject to all the regulations and restrictions imposed by the provisions contained in chapters fifty-six and fifty-seven of the Code of Virginia, as far as the same shall be applicable to the purposes of said company, and not in conflict with the provisions of this act.

Capital.

2. The capital stock of said company shall not be less than fifty thousand dollars nor more than one million of dollars, to be divided into shares of twenty-five dollars each; and the persons named in the first section of this act shall be authorized to exercise and perform the powers and duties of commissioners to receive subscriptions, conferred and imposed by chapter fifty-seven of the Code of Virginia above recited, so far as the same shall apply to the purposes of said company, and they

shall not be required to receive subscriptions at any particular place.

Subscriptions.

3. Said company shall have power to construct and keep in repair, Wharves. and use all necessary wharves on Guyandotte river, for the purposes of the company on their own lands, or upon any land on said river with the consent of the owner thereof, and also all necessary rail or other roads leading from their mines or works to said wharves.

4. Said company may apply so much of the money arising from sub-Acquisition of scriptions to stock under this act, as they may think proper, to the purland and coal chase of the lands of the persons named in the first section of this act, and of the coal and other mining privileges, or a tract of land known as the "Joseph Adkins Farm," lying in said county of Cabell on the said

5. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene- Control over charter. ral assembly.

CHAP. 323.—An ACT incorporating the Guyandotte and Louisville mining and manufacturing company.

[Passed March 31, 1852.]

1. Be it enacted by the general assembly, That Alfred M. Whitney, Da-Guyandotte and vid McComas, Evermont Ward and Andrew Lawson, and such other Louisville mining persons as may be associated with them, shall be and they are hereby ing company inincorporated and made a body politic and corporate under the name and corporated.

style of "The Guyandotte and Louisville Mining and Manufacturing Company," for the purpose of mining and manufacturing mineral, vegetable and animal substances; and the said company shall have and pos-Rights, powers sess all the rights and privileges, and be subject to all the rules, regula- and habilities. tions and restrictions prescribed by the Code of Virginia in relation to

joint stock companies. 2. Be it further enacted, That the capital stock of said company shall Capital. be not less than twenty thousand nor more than two hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the Real estate. said company shall have the right to acquire and hold lands, not exceeding two thousand acres at any one time: Provided however, That the Company probisaid company shall not bring or cause to be brought into this state, for bited from circuthe purpose of circulation, any bank notes, or the notes issued by any under five dolindividuals or incorporated companies of another state, of a less denomi-lars. nation than five dollars; and the charter of said company, by any violation of this provision, shall be forfeited, and shall ipso facto cease and

3. This act shall be in force from its passage, and shall be subject to Commencement any amendment, alteration or modification, at the pleasure of the general Control over assembly.

CHAP. 324.—An ACT to incorporate the Guyandotte mining and manufacturing company.

[Passed March 27, 1852.]

1. Be it enacted by the general assembly, That D. Randolph Martin, Guyandotte min-Edmund T. Bridge, Josias M. Steed and Francis McFadan, and such ing and manufac-turing company others as may hereafter be associated with them, are hereby incorporated incorporated. and made a body politic and corporate under the name and style of "The Guyandotte Mining and Manufacturing Company," for the purpose of exploring, mining, raising and transporting coal and other mineral substances in and from any lands which they may purchase and hold on or near to the Guyandotte river and its tributaries, and manufacturing and transporting salt, iron and other mineral and vegetable articles on and from their said lands.

2. The capital stock of the said company shall not be less than one Capital. hundred thousand dollars nor more than one million of dollars, to be divided into shares of fifty dollars each, and said company shall have the Real estate. right to purchase and hold, not exceeding at any one time five thousand acres of land, on or near the said Guyandotte river or any of its tribu-

taries.

Rights, powers and liabilities.

3. The said company is hereby invested with all the rights, privileges and powers conferred on bodies politic and corporate by the fifty-sixth, fifty-seventh and sixty-first chapters of the Code of Virginia, and shall be subject to all the rules, regulations and restrictions prescribed by said chapters, so far as they are applicable to and not inconsistent with the powers and privileges herein contained and granted.

Commencement. Control over charter.

4. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 325.—An ACT to incorporate the Henry mining company. [Passed May 11, 1852.]

Henry mining company incorporated. 1. Be it enacted by the general assembly of Virginia, That James Brown, Jeremiah Jackson, William H. Edwards, John Lewis, and such other persons as may hereafter be associated from time to time with them, shall be and they are hereby incorporated, and made a body politic and corporate, under the name and style of "The Henry Mining Company," for the purpose of mining and manufacturing coal and iron, and transporting the same to market in and from the counties of Kanawha and Fayette, and such other counties as may hereafter be created out of parts of said counties, and they are hereby invested with all the rights publishes and powers conformed on such bedies politic and con-

Rights, powers and liabilities.

Capital.

rights, privileges and powers conferred on such bodies politic and corporate by the fifty-seventh chapter of the Code of Virginia.

2. Be it further enacted, That the capital stock of said company shall

not be less than twenty-five thousand dollars nor more than three

Real estate.

hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the said company shall have the right to purchase and hold lands, not exceeding five thousand acres at any one time, in the said counties of Kanawha and Fayette, or in any new counties that have been or may hereafter be formed or created out of parts of said counties.

Right to construct railroad. 3. Be it further enacted, That it shall and may be lawful for the said company to construct on their own lands, for their own purposes a railroad or railroads, from any point or points in their said lands to the Great Kanawha river or other stream.

Commencement. Control over charter.

4. This act shall be in force from the passage thereof, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 326.—An ACT amending the charter of the Kanawha mining company.

[Passed May 24, 1852.]

Preamble.

Whereas application has been made to the general assembly to amend the second section of an act, entitled "an act to incorporate the Kanawha mining company," passed March twenty-first, eighteen hundred and fifty, so as to allow the said company to purchase and hold lands not exceeding four thousand acres instead of two thousand acres as now provided by law: Therefore,

Part of charter of company repealed. Acts 1849-50, p. 169. Capital.

1. Be it enacted by the general assembly. That the second section of the act passed March twenty-first, eighteen hundred and fifty, entitled "an act to incorporate the Kanawha mining company," shall be and the same is hereby repealed, and the following substituted therefor:

Real estate.

2. The capital stock of said company shall not be less than fifty theusand nor more than two hundred thousand dollars, to be divided into shares of one hundred dollars each; and the said company shall have power to purchase and hold lands, not exceeding four thousand acres at any one time, in the county of Kanawha.

Commencement. 3. This act shall be in force from its passage.

Chap. 327.—An ACT to incorporate the Lafayette gold mining company. [Passed May 27, 1852.]

Lafayette gold inining company other persons as may be hereafter associated with him, shall be and they

are hereby incorporated and made a body politic and corporate under the name and style of "The Lafayette Gold Mining Company," for the purpose of mining and working gold and other minerals; and they are Rights, powers hereby invested with all the powers, rights and privileges conferred on and liabilities. such bodies politic and corporate by the laws now in force, and are subject to all the rules, regulations and restrictions prescribed by said laws, so far as they are consistent with the powers herein contained and granted.

2. Be it further enacted, That the capital stock of said company shall Capital. not be less than one hundred thousand nor more than five hundred thousand dollars, to be divided into shares of five dollars each; and the said Real estate. company shall have the right to purchase and hold land, not exceeding one thousand acres, in the counties of Orange, Culpeper, Spotsylvania,

Fauquier and Stafford.

3. This act shall be in force from its passage.

Commencement.

CHAP. 328.—An ACT to incorporate the Little Kanawha mining and manufacturing company.

[Passed April 20, 1852.]

1. Be it enacted by the general assembly of Virginia, That Abraham Little Kanawha Moore, George W. Weston, William P. Rathbone and Josias M. Steed, mining and manufacturing and such other persons as may hereafter be associated with them, are company incorhereby incorporated and made a body politic and corporate under the porated.

name and style of "The Little Kanawha Mining and Manufacturing Company," for the purpose of exploring, mining, raising and transporting coal and other mineral substances on and from any lands which they may purchase and hold on and near to the Little Kanawha river and its tributaries, and manufacturing and transporting salt, iron and other mineral and vegetable articles on and from their said lands.

2. The capital stock of the said company shall not be less than fifty Capital. thousand dollars nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have Real estate. the right to purchase and hold not exceeding at any one time ten thousand acres of land on or near the said Little Kanawha river or any of

its tributaries.

3. The said company shall be and is hereby invested with all the Rights, powers rights, privileges and powers conferred on bodies politic and corporate and liabilities. by the fifty-sixth, fifty-seventh and sixty-first chapters of the Code of Virginia, and shall be subject to all the rules, regulations and restrictions prescribed by said chapters, so far as they are applicable to and not in-

consistent with the powers and privileges herein contained and granted.

4. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-Control over charter.

ral assembly.

CHAP. 329.—An ACT to incorporate the Livermore mining and manufacturing company. [Passed May 14, 1852.]

1. Be it enacted by the general assembly, That John Termey, J. W. Livermore min-Carleton and Washington Merrill, and such other persons as may here-turing company after be associated with them, shall be and they are hereby incorporated incorporated. and made a body politic and corporate under the name and style of "The Livermore Mining and Manufacturing Company," for the purpose of mining for and working in gold and other minerals and metals in the county of Spotsylvania; and they are hereby invested with all the rights, Rights, powers powers and privileges, and subjected to all the rules, regulations and re- and liabilities. strictions prescribed by the Code of Virginia, in regard to such bodies politic and corporate, so far as the same are applicable to and not incon-

istent with the rights and powers herein granted.

2. The capital stock of said company shall not be less than fifty thou- Capital. Find dollars nor more than one hundred thousand dollars, to be divided into shares of fifty dollars each; and they shall have the right to pur-Real estate.

chase and hold lands, not exceeding at any one time five hundred acres in the said county of Spotsylvania.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 330.—An ACT to incorporate the Madison mills manufacturing company. [Passed May 27, 1852.]

1. Be it enacted by the general assembly, That William P. Eliason, and

Madison mills manufacturing company incorporated.

such other persons as may hereafter be associated with him, shall be and they are hereby constituted and made a body politic and corporate under the name and style of "The Madison Mills Manufacturing Company," for the purpose of manufacturing cotton and woolen fabrics. flour and other articles in the county of Madison; and they are hereby invested with all the rights, powers and privileges, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia in regard to the management and control of such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights

Rights, powers

Commissioners

and privileges herein granted.

2. Wm. P. Eliason, James W. Walker, jr., Wm. D. Clark, Richard for subscriptions. W. Bradford, John H. Lee and Jeremiah Morton are hereby appointed commissioners, any three of whom may act, to open books of subscription for the capital stock of said company at such times and places as they may appoint.

Capital. Real estate.

3. The capital stock of said company shall not be less than seventeen thousand dollars, nor more than one hundred thousand dollars, to be divided into shares of one hundred dollars each; and they shall have the right to purchase and hold lands, not exceeding three hundred acres at any one time, in the counties of Madison and Orange.

Commenceme Control over charter.

4. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 331.—An ACT to incorporate the Maomi coal mining company. [Passed May 27, 1852.]

1. Be it enacted by the general assembly, That Robert C. Gist, William

Maomi coal min-

ing company in. H. Edwards, and such other persons as may be hereafter associated corporated. with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Maomi Coal Mining Company," for the purpose of mining coal and other substances, and of transporting the same to market, in and from the counties of Kanawha and Fayette; and they are hereby invested with all the rights. privileges and powers, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia in regard to the management and control of such bodies politic and corporate, so far as the

Rights, powers and liabilities.

same are applicable to and not inconsistent with the rights and privileges herein granted.

Capital.

2. The capital stock of said company shall not be less than twentyfive thousand and not more than two hundred thousand dollars, to be divided into shares of five dollars each; and the said company shall have the right to purchase and hold lands, not exceeding three thousand acres at any one time, in the said counties of Kanawha and Fayette.

Real estate.

Power to construct railroads.

3. It shall and may be lawful for the said company to construct a railroad or railroads, from any point or points on their said lands, to the Great Kanawha river or other stream; and the said company shall be subject to all the provisions of the Code of Virginia relating to railroads and railroad companies, so far as the same are applicable to the purposes of this charter: Provided however, That the said company shall not have the right to construct such railroad or railroads upon the lands of persons other than those of the said company, without the consent of the owners of such lands, or by virtue of some contract with them to that effect.

4. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-charter. ral assembly.

CHAP. 332.—An ACT to incorporate the Marion manufacturing company. [Passed May 27, 1852.]

1. Be it enacted by the general assembly, That Jonathan H. Haymond, Marion manufactories T. Martin, John S. Barns, junior, Benjamin F. Sedwich, Moses turing company incorporated. Ticknell, James O. Watson and James Barns, and such other persons as may be hereafter associated with them, be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Marion Manufacturing Company," for the purpose of manufacturing glass of all descriptions, flour, and other mineral and vegetable substances, in the county of Marion; and they are hereby invested with Rights, powers all the rights, privileges and powers, and subjected to all the rules, regu-and liabilities. lations and restrictions prescribed by the Code of Virginia, in regard to such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights and powers herein granted.

2. The capital stock of the said company shall not be less than two Capital. thousand nor more than one hundred thousand dollars, to be divided into shares of twenty-five dollars each; and they shall have the power Real estate. to purchase and hold lands, not exceeding one hundred acres, in the said

county of Marion.

3. This act shall be in force from its passage, and shall be subject to Commencement any amendment, alteration or modification, at the pleasure of the gene-charter. ral assembly.

CHAP. 333.—An ACT to incorporate the Mason county mining and manufacturing company. [Passed May 6, 1852.]

1. Be it enacted by the general assembly, That David Worcester, Henry Mason county Johnson, and such other persons as may be hereafter associated with mining and manuthem, shall be and they are hereby incorporated and made a body politic ny incorporated. and corporate under the name and style of "The Mason County Mining and Manufacturing Company, tor the purpose of mining and manufacturing salt, coal and other mineral, vegetable and other substances, and transporting the same in and from the county of Mason; and the said Rights, powers company is hereby invested with all the rights, privileges and powers and liabilities. conferred on such bodies politic and corporate, and subjected to all the rules, regulations and restrictions provided by the Code of Virginia, so far as they are applicable to and not inconsistent with the powers and privileges herein contained and granted.

2. The capital stock of the said company shall not be less than one Capital. hundred thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the said com- Real estate. pany shall have the right to purchase and hold lands, not exceeding two thousand acres at any one time, in the said county of Mason.

3. It shall be lawful for the said company to erect such railway or Power to con railways on their own land, to be used only for the purposes of this act, struct railroads. from any part of their lands or works to the Ohio river, and to navigate the said Ohio river and its tributaries by steamboats, flat boats and Power to navibarges, in carrying freight and their own productions and manufactures gate Ohio and its from their works in said county of Mason, to and from any of the markets on the said Ohio river and its tributaries.

4. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the Control over general assembly.

CHAP. 334.—An ACT to incorporate the Mitchell mining and manufacturing company.

[Passed June 3, 1852.]

1. Be it enacted by the general assembly, That William M. Mitchell, Mitchell mining and such other persons as may be hereafter associated with him, shall and manufacturcorporated.

ing company in- be and they are hereby incorporated and made a body politic and corporate, under the name and style of "The Mitchell Manufacturing and Mining Company," for the purpose of mining and for manufacturing mineral, vegetable and animal substances in any or all of their combinations, in the counties of Stafford, Spotsylvania, Culpeper, Orange, Louisa and Goochland; and they are hereby invested with all the rights,

Rights, powers

privileges and powers, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia in regard to such bodies politic and corporate, so far as the same are applicable to, and not inconsistent with the rights and privileges herein granted.

Capital.

Real estate.

2. The capital stock of the said company shall not be less than one hundred thousand dollars nor more than five hundred thousand dollars, to be divided into shares of twenty-five dollars each: and they shall have the right to purchase and hold lands, not exceeding five hundred acres at any one time, in the said counties of Stafford, Spotsylvania, Culpeper, Orange, Louisa and Goochland.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 335.—An ACT to incorporate the Mount Vernon gold mining company. [Passed May 27, 1852.]

Mount Vernon 1. Be it enacted by the general assembly, and they gold mining com- other persons as may hereafter be associated with him, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Mount Vernon Gold Mining Company," for the purpose of mining for gold and other minerals in the counties of Spotsylvania, Orange, Culpeper, Fauquier, Stafford, Louisa, Fluvanna, Goochland, Buckingham, Albemarle and Amherst; and they are hereby invested with all the rights, privileges and powers, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia in regard to the management and control of such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the

Rights, powers and liabilities.

Capital. Real estate.

2. The capital stock of said company shall not be less than fifty thousand dollars nor more than one million of dollars, to be divided into shares of ten dollars each; and the said company shall have the power to hold lands in the above-named counties not exceeding five thousand acres at any one time.

privileges and powers herein granted.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 336.—An ACT to recharter the Morson gold mining company, passed January 15th, 1850.

[Passed May 27, 1852.] 1. Be it enacted by the general assembly, That John W. Mitchell, and

Morson gold mining company incorporated.

such other persons as may be hereafter associated with him, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Morson Gold Mining Company," for the purpose of mining and manufacturing mineral, vegetable and animal substances in the counties of Stafford, Culpeper and Spotsylvania; and they are hereby invested with all the rights, privileges and powers, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia in regard to the management and control of such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights and privileges herein granted.

Rights, powers and liabilities.

Capital.

2. The capital stock of the said company shall not be less than one hundred thousand dollars and not more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have the right to purchase and hold lands, not exceeding five hundred acres, in the said counties of Stafford, Spotsylvania and Culpeper.

Roal estate.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene- Control over charter. ral assembly.

CHAP. 337.—An ACT to authorize the New creek company to reduce the par value of their capital stock.

[Passed March 13, 1852.]

1. Be it enacted by the general assembly, That so much of the first Par value of section of the act, entitled "an act incorporating the New creek mining shares of stock company," as relates to the par value of the shares of the capital stock of the said company, be and is hereby amended, by changing the words "two hundred shares at the rate of one hundred dollars each," to "two thousand shares at the rate of ten dollars each," so that the said section as amended shall read as follows, to wit: Duff Green, Benjamin E. Green, James H. Hamilton and Robert Lyon, or any three of them, may, at such time and place as they may deem expedient, open books of subscription for a new company; and that whenever two thousand shares at the rate of ten dollars each shall be subscribed, the shareholders may proceed to organize said company, by the election of five President and directors, one of whom shall be president; and when so organized, the directors. said company shall be and is hereby made a body politic and corporate, New creek comin law and in fact, under the name and style of "The New Creek Company incorporated," and shall have and possess the same rights, powers and privileges Powers. as were heretofore granted to the Union Potomac company; and the Subscriptions. president and directors may receive additional subscriptions until the capital stock shall be made up.

2. This act shall be in force from its passage, and be subject to any commencement. amendment, alteration or modification, at the pleasure of the general Control over charter.

assembly.

CHAP. 338.—An ACT to incorporate the North Shenandoah mining and manufacturing company. [Passed May 10, 1852.]

1. Be it enacted by the general assembly, That Henry K. Strong, John North Shenan-McCauless, A. E. Roberts, John G. Fulton, J. Marshall McCue and John dosh mining and manufacturing D. Imboden, and such other persons as may be associated with them, be company incorand they are hereby incorporated and made a body politic and corporate porated. under the name and style of "The North Shenandoah Mining and Manufacturing Company," for the purpose of manufacturing iron, mining for mineral coal, and constructing on their own land such railways, not exceeding ten miles in length, as may be necessary for transporting coal and iron to their furnaces or to market; and they are hereby invested Rights, powers with all the rights, powers and privileges conferred, and are made sub- and liabilities. ject to all the regulations and restrictions prescribed in respect to such companies by chapter fifty-seven of the Code of Virginia.

2. The capital stock of said company shall not be less than twenty Capital. thousand dollars nor more than two hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each; and said company Real estate. shall have power to hold, in one or more parcels, in fee simple, in the counties of Augusta and Rockingham, not exceeding at any one time

five thousand acres of land.

3. This act shall be in force from its passage, and may be modified or Commencement amended by the general assembly at its pleasure.

Control over charter.

CHAP. 339.—An ACT to incorporate the Point of Fork mining company. [Passed May 14, 1852.]

1. Be it enacted by the general assembly, That Thomas W. Cummings, Point of Fork and such other persons as may be hereafter associated with him, shall mining company be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Point of Fork Mining Company," for the purpose of mining for and working in gold, and other minerals and metals in the counties of Spotsylvania, Culpeper, Stafford and Fau-

Rights, powers and liabilities.

quier; and they are hereby invested with all the rights, powers and privileges, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia in regard to such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights and powers herein granted.

Capital.

Real cetate.

2. The capital stock of said company shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and they shall have the right to purchase and hold lands in the said counties of Spotsylvania, Culpeper, Stafford and Fauquier, not exceeding at any one time one thousand acres-

Commencement. Control over charter

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 340.—An ACT to recharter the Scott mining and manufacturing company.

[Passed May 27, 1852.] 1. Be it enacted by the general assembly, That William M. Mitchell,

Scott mining and manufacturing company incor porated.

and such other persons as may be hereafter associated with him. shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of "The Scott Mining and Manufacturing Company," for the purpose of mining and manufacturing mineral, vegetable and animal substances; and they are hereby invested with all the rights, privileges and powers, and subjected to all the rules, regulations and restrictions prescribed by the Code of Virginia, in regard to the management and control of such bodies politic and corporate, so far as the same are applicable to, and not inconsistent with, the rights and

Rights, powers and liabilities.

Capital.

Real cetate.

privileges berein granted.

2. The capital stock of the said company shall not be less than one hundred thousand nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have the right to purchase and hold lands, not exceeding five hundred acres, in the counties of Spotsylvania, Stafford, Orange and Culpeper.

Commencement Control over

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 341.—An ACT to incorporate a company for the manufacture of wool, cotton and other articles at Shadwell mills in the county of Albemarle.

[Passed March 2, 1852.] 1. Be it enacted by the general assembly of Virginia, That John Timberlake, and such other persons as may bereafter be associated with

Albemarle farmers manufactur. ing company incorporated.

him, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of " The Albemarle Farmers Manufacturing Company," for the purpose of manufacturing cotton, wool, grain and other articles at Shadwell mills in the county of Albemarle; and are hereby invested with all the rights, privileges and powers conferred upon such bodies politic and corporate, and subject to all the restrictions and limitations contained in the Code of Virginia, title eighteen, chapter fifty-seven, in relation to joint stock companies.

Rights, powers and liabilities.

Commissioners

2. That Thomas Wood, George Carr, Allen B. Magruder, William I. for subscriptions. Robertson and Nathaniel H. Massie be and they are hereby appointed commissioners, any three of whom may act, to open books of subscription of stock to said company at such times and places as they may appoint.

Capital.

3. That the capital stock of the said company shall not be less than forty thousand dollars nor more than one hundred thousand, to be divided into shares of one hundred dollars, or fifty dollars each, as may be deemed most expedient by said commissioners or a majority of them; and the said company shall have the right to purchase and hold land not

Real estate.

exceeding three hundred acres in the county of Albemarle. Preamble relative 4. And whereas it is understood that the object in applying for this to Shadwell cot- act of incorporation is to effect the rebuilding of the late Shadwell cot-

ton and woolen factory, which was destroyed by fire during the past ton and woolen summer; and it is represented that shortly after the burning of the said factory. factory, in accordance with what seemed to be the general wish of the community, that the said factory should be rebuilt and again put into operation, by means of a joint stock company, with as little delay as possible, with a view to the saving of time, it was deemed expedient to anticipate an act for the incorporation of such company by proceeding forthwith to open books of subscription for stock in such proposed company, which was accordingly done, and that stock to a large amount has in that way been subscribed for: Be it therefore further enacted, That if, Subscriptions upon the production of said books of subscription so opened as aforesaid heretofore mad to the commissioners appointed by this act, it shall appear to them that the said books have been fairly and properly kept, and that the subscriptions therein contained have been bone fide made, they shall accept the same as a part of the subscription for stock in the company proposed as aforesaid, to stand on the same footing in every respect, and be equally as binding and effectual as if the same had been taken under the direction of commissioners duly authorized and appointed: Provided however, How subscribers That if at any time after the passage of this act and before the first ge-may withdraw neral meeting of the stockholders of the said company, any one or more subscriptions. of the subscribers for stock as aforesaid, shall give notice in writing to the said commissioners, or any one of them, or to the said meeting. after it shall have been convened, of a wish to withdraw his or their name or names from the said subscription book or books on account of any alleged or supposed variance of the provisions of this act from the terms of such subscription or subscriptions, or other specified cause, he or they shall be at liberty to do so; and the said subscription or subscriptions shall thereupon be null and void: And provided also, That if the said Parvalue of stock commissioners should determine it to be expedient to open the books of reduced. subscription for stock authorized by this act, in shares of fifty dollars each, any stock which may have been previously taken in shares of one hundred dollars shall be divided into shares of fifty dollars accordingly. Charter under This act shall be subject to any amendment, alteration or modification, control of legislaat the pleasure of the general assembly.

Commencement.

5. This act shall be in force from its passage.

CHAP. 342.—An ACT to incorporate the Spotsylvania gold mining company [Passed May 26, 1852.]

1. Be it enacted by the general assembly, That Lewis S. Corgell, Ben-Spotsylvania jamin E. Green, and such other persons as may be hereafter associated gold mining with them, be and they are hereby incorporated and made a body politic company incor-and corporate under the name and style of "The Spotsylvania Gold" Mining Company," for the purpose of mining for and working in gold and other minerals in the county of Spotsylvania; and they are hereby Rights, powers invested with all the rights, powers and privileges, and subjected to all and liabilities. the rules, regulations and restrictions prescribed by the Code of Virginia in relation to such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights and powers hereby

2. The capital stock of said company shall be fifty thousand dollars, Capital. to be divided into shares of ten dollars, or of one hundred dollars each, as the president and directors of said company may prefer. The said company shall have the right to increase their capital stock to a sum not exceeding two hundred thousand dollars, and to purchase and hold land Real estate. in the said county of Spotsylvania not exceeding at any one time two thousand acres.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration and modification, at the pleasure of the gene- Control over ral assembly.

CHAP. 343.—An ACT to amend the second section of the act to incorporate the Spring Hill company.

[Passed May 31, 1852.]

Capital of Spring Hill company.

1. Be it enacted by the general assembly, That the second section of the act, entitled "an act to incorporate the Spring Hill company," passed the twenty-sixth day of February eighteen hundred and forty-nine, be re-enacted and amended so as to read as follows: The capital stock of the said company shall not be less than twenty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have authority to pur-

Real estate, and water power.

chase and hold in fee simple, enjoy and use, or rent or let any lands and water powers in the county of Chesterfield in one or more parcels not exceeding five hundred acres, and not exceeding a like quantity on the falls of James river in the county of Henrico.

Act to be accent-

2. This act shall be in force upon the acceptance thereof by a majority ed by company. of all the votes that can be given under the charter of said company, at a meeting of the stockholders called to consider the same.

Commencement.

3. This act shall be in force from its passage.

CHAP. 344.—An ACT to incorporate the South Branch gold mining company in the counties of Orange, Spotsylvania, Fauquier, Culpeper, &c. &c.

South branch gold mining company incorporated.

[Passed May 4, 1852.] 1. Be it enacted by the general assembly, That William King Smith,

and such other persons as may be hereafter associated with him, shall be

and they are hereby incorporated and made a body politic and corporate,

Rights, powers and liabilities.

under the name and style of "The South Branch Gold Mining Company," for the purpose of mining for gold and other minerals in the counties of Orange, Spotsylvania, Fauquier, Culpeper, Stafford, Louisa, Fluvanna, Goochland, Amherst and Buckingham; and they are hereby invested with all the rights, powers and privileges conferred, and subjected to all the rules, regulations and restrictions imposed upon such bodies politic and corporate by the Code of Virginia, so far as the same

Capital.

are applicable to and not inconsistent with the powers and privileges herein granted.

2. The capital stock of said company shall not be less than one hundred thousand dollars nor more than five hundred thousand dollars.

Real estate.

to be divided into shares of five dollars each; and the said company shall have the right to purchase and hold land, not exceeding two thousand acres at any one time, in the counties of Orange, Spotsylvania, Fauquier, Culpeper, Stafford, Louisa, Fluvanna, Goochland, Amherst and Buckingham.

President and directors.

3. There shall be chosen annually, by the stockholders, a board of directors, not exceeding nine, who shall hold their office for one year or until their successors are appointed; the board of directors shall annually elect a president from their body, any five of whom shall constitute a board for the transaction of business. 4. The stock of said company shall be deemed personal estate, and

Stock deemed personal estate.

pass as such to the representatives of the respective stockholders. Certificates of stock shall be issued and transferred in such manner and form as the president and directors or the stockholders in general meeting may from time to time direct.

Transferable.

5. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

Commencement. Control over charter.

> CHAP. 345 .- An ACT to incorporate the Swift creek manufacturing company. [Passed April 21, 1852.]

pany incorporated.

Swift creek ma 1. Be it enacted by the general assembly, That Joseph Bragg of the nuffecturing come town of Petersburg, Thomas Friend of the county of Chesterfield, and such other persons as may hereafter be associated with them, shall be and the same are hereby incorporated and made a body politic under the name and style of "The Swift Creek Manufacturing Company," for the purpose of manufacturing cotton, wool, hemp, flax and grain, in the

county of Chesterfield on Swift creek, near the turnpike road of the Manchester and Petersburg turnpike company; and they are hereby in-Rights, powers vested with all the rights, powers and privileges conferred, and made and liabilities. subject to all the rules, regulations and restrictions imposed by the fiftysixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable to the purposes of the said company and not inconsistent with this act.

2. The capital stock of said company shall not be less than eight Capital. thousand nor more than fifty thousand dollars, to be divided into shares Amended. of one hundred dollars each; and it shall be lawful for the commissionsubscriptions. ers hereinafter named to open books of subscription for raising the said capital, at such time and place as they shall designate; and as soon as the said capital stock of eight thousand dollars shall have been subscribed, the said commissioners shall give notice thereof in one of the General meeting, newspapers printed in the city of Petersburg for two weeks, and by said how called. notice shall call a meeting of the subscribers.

3. The said company shall have power to purchase, hold and possess Real estate. land in the county of Chesterfield, not exceeding fifty acres.

4. Lemuel Peebles, Oscar Britton, Peter B. Wills, David Dunlop, Commissioners, James Burton, James Lynch and Joseph W. Smith, or any three of them, are hereby appointed commissioners to carry out the provisions of this act.

5. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene- Control over ral assembly.

CHAP. 346.—An ACT amendatory of the second section of an act, entitled "an act to incorporate the Swift creek manufacturing company," passed April 21, 1852.

[Passed June 5, 1852.]

1. Be it enacted by the general assembly, That the second section of an Capital. act, entitled "an act to incorporate the Swift creek manufacturing com- See ante, c. 345. pauy," passed April twenty-first, eighteen hundred and fifty-two, be reenacted and amended, so as to read as follows: The capital stock of said company shall not be less than five thousand nor more than fifty thousand dollars, to be divided into shares of one hundred dollars each; and subscriptions. it shall be lawful for the commissioners in the said act mentioned to open books of subscription for raising the said capital, at such time and place as they shall designate; and as soon as the said capital stock of five General meeting, thousand dollars shall have been subscribed, the said commissioners shall how called. give notice thereof, in one of the newspapers printed in the city of Petershurg, for two weeks, and by said notice shall call a meeting of the stockholders.

2. This act shall be in force from its passage.

Commencement

CHAP, 347 .- An ACT to authorize the Union Potomuc company to reduce the par value of their capital stock.

[Passed March 13, 1852.]

1. Be it enacted by the general assembly, That so much of the second Capital of Union section of an act, entitled "au act to incorporate the Union Potomac Potomac Comcompany," passed February second, eighteen hundred and thirty-six, as pany. relates to the par value of the shares of the capital stock of the said com-pany be and is hereby amended, by changing the words "ten thousand shares of one hundred dollars each," to "one hundred thousand shares of ten dollars each," and the words "twenty thousand shares," to "twe hundred thousand shares," so that the said section shall read as follows: The capital stock of the said company shall consist of one hundred thousand shares of ten dollars each, of which the lands and mines of the said Duff Green and his associates shall constitute a part, at a price to be agreed upon by the commissioners authorized to receive subscriptions to the capital stock of said company; and the directors of the said Power to incompany shall have power to increase their capital to such an amount as crease capital. may be found convenient and necessary for the accomplishment of the

objects of their incorporation: Provided, The same does not exceed two hundred thousand shares.

Commencement charter.

2. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the generaf assembly.

CHAP. 348 .- An ACT to amend an act, entitled "an act to authorize the Valley mining and manufacturing company and the George's creek coal and iron company to construct branch railroads across the Potomac river, and to connect with the Baltimore and Ohio railroad in Hampshire county, Virginia, and for other purposes," passed March 31st, 1851. [Passed June 7, 1852.]

George's creek coal and iron company to con-struct railroad and bridge.

1. Be it enacted by the general assembly, That section second of the act, entitled "an act to authorize the Valley mining and manufacturing company and the George's creek coal and iron company to construct branch railroads across the Potomac river, and to connect with the Baltimore and Ohio railroad in Hampshire county, Virginia, and for other purposes," passed March the thirty-first, eighteen hundred and fiftyone, be amended and re-enacted as follows: That the George's creek coal and iron company, incorporated by an act of the general assembly of the state of Maryland, passed at the December session in the year eighteen hundred and thirty-five, by the name of the George's creek mining company, and by the said act authorized to survey, locate, establish and construct a railroad or roads from the mines or other works of the said company to some convenient point or points on George's creek or the Potomac river near the mouth of George's creek, and by a supplementary act passed at an extra session of the general assembly of the state of Maryland, begun and held on the twenty-third day of May in the year eighteen hundred and thirty six, immediately on its organization to assume the corporate name of "The George's Creek Coal and Iron Company," shall have full power and authority to survey, locate, establish and construct a railroad and bridge from the termination of their said railroad so authorized to be located and constructed by the

Location and construction of road and bridge.

Rights, powers

lated.

Engineers to loeate roads.

aforesaid acts of the general assembly of Maryland at or near the mouth of George's creek across the Potomac river into the county of Hampshire in the state of Virginia, and from thence to the Baltimore and Ohio railroad, and to connect their said road with the said Baltimore and Ohio railroad at some convenient point or points in the said county of Hampshire; and in making, constructing, condemning land and materials for the use of said company, and using their said road in Virginia, the said George's creek coal and iron company shall have, possess and enjoy all the powers, rights and privileges conferred by the provisions of chapters Tolls, how regue fifty-six, fifty-seven and sixty-one of the Code of Virginia, except that the tolls of the George's creek coal and iron company on their road hereby authorized to be constructed in Virginia, shall not be under the control of the Board of public works and subject also to the provisions of this act. That the roads of the said Valley mining and manufacturing company and the George's creek coal and iron company, hereby authorized to be made and constructed, shall be laid out, surveyed and located by the chief engineers of the Chesapeake and Ohio canal company and the Baltimore and Ohio railroad company jointly; or if they cannot agree, by a competent and impartial engineer, to be appointed by them, in such manner as not to interfere with or obstruct each other, and so as to secure to the said George's creek coal and iron company the site selected or to be selected by said company for their said bridge across the Potomac river from the termination of their railroad in Maryland, at or near the mouth of George's creek, to the opposite bank of the Potomac river in Virginia, and a road from thence to the said Baltimore and Ohio railroad at some convenient point or points in the said county of The decision of the engineers, in locating the said roads. neers to be bind shall be binding on the Valley mining and manufacturing company and the George's creek coal and iron company; and each company shall pay

Decision of engi- Hampshire. ing on compa-nies. Who to pay exthe cost and expenses of locating its own road. penses of locations.

Commencement.

2. This act shall be in force from its passage.

CHAP. 349.—An ACT to incorporate the Vesuvius mining and manufacturing company in the county of Cabell.

[Passed May 14, 1852.)

1. Be it exacted by the general assembly, That Edmund T. Bridge Vesuvius mining and James Bridge, and such other persons as may be hereafter associated and manufactur-with them, shall be and they are hereby incorporated and made a body corporated. politic and corporate under the name and style of "The Vesuvius Mining and Manufacturing Company," in the county of Cabell, for the purpose of mining and manufacturing mineral, vegetable and other substances; and they are hereby invested with all the rights, powers and privileges, Rights, powers and subjected to all the rules, regulations and restrictions prescribed by and liabilities. the Code of Virginia so far as the same are applicable to and not inconsistent with the rights and powers herein conferred.

2. The capital stock of said company shall not be less than fifty thou- Capital. sand dollars nor more than five hundred thousand dollars, to be divided into shares of twenty-five dollars each; and they shall have the right to Real estate. purchase and hold lands in the said county of Cabell, not exceeding

three thousand acres at any one time.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 350.—An ACT to authorize the Virginia cannel coal company to subscribe to the Coal river navigation company.

[Passed May 10, 1852.]

1. Be it enacted by the general assembly, That the Virginia cannel coal Subscription to company be and they are hereby authorized in their corporate capacity Coal river navito subscribe to the capital stock of the Coal river navigation company.

2. This act shall be in force from and after its passage.

Commencement.

CHAP. 351.—An ACT to incorporate the Wacomah mining and manufacturing company.

[Passed May 27, 1852.]

1. Be it enacted by the general assembly, That Waldo Hutchins, and Wacomah minsuch other persons as may be hereafter associated with him, shall be ing and manufacand they are hereby incorporated and made a body politic and corpo- turing company incorporated. rate under the name and style of "The Wacomah Mining and Manufacturing Company," for the purpose of mining and for manufacturing mineral, vegetable and animal substances, and for transporting and exporting the same to market in and from the counties of Kanawha and Fayette; and they are hereby invested with all the rights, privileges and Rights, powers powers, and subjected to all the rules, regulations and restrictions pre- and Hablides. scribed by the Code of Virginia for the management and control of such bodies politic and corporate, so far as the same are applicable to and not inconsistent with the rights and privileges herein granted.

2. The capital stock of said company shall not be less than one hun- Capital. dred thousand dollars nor more than five hundred thousand dollars, to be divided into shares of fifty dollars each; and they shall have the right Real estate.

to purchase and hold land, not exceeding two thousand acres at any one time, in the said counties of Kanawha and Fayette.

3. It shall be lawful for the said company to erect and construct such Power to conrailroad or railroads, upon their own lands as may be necessary, to be struct railroads. used for the purposes contemplated by this act.

4. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene- Control over charter. ral assembly.

CHAP. 352.—An ACT to incorporate the Waller gold mining company. [Passed April 30, 1852.]

1. Be it enacted by the general assembly, That Francis Baber Chew-Waller gold mia. ning, and such other persons as may be hereafter associated with him, ing company inshall be and they are hereby incorporated and made a body politic and corporated.

Rights, powers and liabilities. corporate, under the name and style of "The Waller Gold Mining Company," for the purpose of exploring and mining for gold and other minerals in the counties of Goochland, Buckingham, Fluvanna, Louisa and Spotsylvania; and they are hereby invested with all the rights, privileges and powers conferred upon such bodies politic and corporate by the Code of Virginia, and subjected to all the restrictions, rules and regulations by the said Code prescribed, except that the said corporation shall not be required to open books of subscription for the capital stock of said company in Virginia, but may open such books in London or elsewhere, at their pleasure.

2. The capital stock of said company shall be not less than one hun-

Capital.

Real estate.

2. The capital stock of said company shall be not less than one hundred thousand nor more than five hundred thousand dollars, to be divided into shares of five dollars each; and the said company shall have the right to purchase and hold lands not exceeding five thousand acres, in the counties of Goochland, Buckingham, Louisa, Fluvanna and Spotsylvania.

President and

3. That for the managing of the affairs of the company there shall be chosen annually a board of directors not exceeding nine, who shall hold their office for twelve months, or until their successors be appointed. They shall select from their number a president or managing director; and any five members may constitute a board for the transaction of business.

Stock deemed personal estate, and transferable.

4. The stock of the said company shall be deemed personal estate, and pass as such to the representatives of each stockholder, and be transferred, and certificates thereof issued in such manner and form as the president and directors, or stockholders in general meeting, may from time to time direct.

By-laws.

5. The president and directors shall have power to make such by-laws and regulations, not contrary to the laws of the United States and of this state, as they may deem proper for the government of said company.

6. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the gene-

Commencement. Control over charter.

ral assembly.

CHAP. 353.—An ACT changing the name of the Wellsburg manufacturing company into that of the Phoenix manufacturing company.

[Passed June 2, 1852.]

Name of Wellsburg manufacturing company changed.

1. Be it enacted by the general assembly, That the name of the Wellsburg manufacturing company, chartered by an act of the general assembly of March 29th, 1851, be and the same is hereby changed into that of the Phænix manufacturing company.

Commencement.

2. This act shall be in force from its passage.

CHAP. 354.—An ACT to incorporate the West Columbia mining and manufacturing company in the county of Mason.

[Passed February 25, 1852.]

West Columbia mining and manufacturing company incorporated.

1. Be it enacted by the general assembly, That William Burnett, and such other persons as may be hereafter associated with him, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The West Columbia Mining and Manufacturing Company," for the purpose of mining and manufacturing salt, coal and other minerals, vegetable and other substances, in and from the county of Mason; and the said company is hereby invested with all the rights, privileges and powers conferred on such bodies corporate by the Code of Virginia, and subjected to all the rules, regulations and restrictions provided by said Code, so far as they are applicable to and

Rights, powers and liabilities.

Capital.

granted.

2. The capital stock of the said company shall not be less than one hundred thousand dollars nor more than six hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall

acres, at any one time in the said county of Mason.

not inconsistent with the powers and privileges herein contained and

have the right to purchase and hold lands, not exceeding three thousand

Real estate.

Real estate.

- 3. It shall be lawful for the said company to erect and construct such Power to conrailroad or railroads upon their own lands, to be used only for the purstruct railroads. poses of this act, from any part of their works to the Ohio river, and Power to navito navigate by steamboats, flat boats and barges the said Ohio river and gate Ohio and its tributaries, in carrying freight, and their own productions and manufactures from their works in said county of Mason to any of the markets on said Ohio river and its tributaries. And the said company shall be subject, so far as applicable, to the provisions of the Code of Virginia in regard to railroads: Provided however, That the said Company not to company shall not bring or cause to be brought into this state for the circulate small purpose of circulation, any bank notes, or the notes issued by any individuals or incorporated companies of another state, of a less denomination than five dollars. And the charter of said company by any violation of this provision shall be forfeited, and shall ipso facto cease and determine.
- 4. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-charter.

CHAP. 355.—An ACT to incorporate the White Hall mining and manufacturing company. [Passed March 27, 1852.]

1. Be it enacted by the general assembly, That William M. Peyton and white Hall minsuch other persons as may be hereafter associated with him, shall be and ing and manufacturing are hereby incorporated and made a body politic and corporate unincorporated. der the name and style of "The White Hall Mining and Manufacturing Company," for the purpose of mining coal and other minerals, and manufacturing iron castings, nails, et cetera, in the county of Boone; and Rights, powers are hereby invested with all the powers and privileges conferred on such and liabilities. bodies politic and corporate by the laws now in force, and are subject to all the rules, regulations and restrictions prescribed by said laws, so far as they are not inconsistent with the powers herein contained and granted.

2. Be it further enacted, That the capital stock of said company shall Capital. not be less than one million of dollars, to be divided into shares of one hundred dollars each; and that the said company shall have the right to Real estate. purchase and hold land, not exceeding two thousand acres, in the county

of Boone.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-charter.

Chap. 356.—An ACT to incorporate the Wiggan mining and manufacturing company. [Passed May 27, 1852.]

1. Be it enacted by the general assembly. That John J. Boyd, and such Wiggan mining other persons as may be hereafter associated with him, shall be and they and manufacturare hereby incorporated and made a body politic and corporate under corporated. the name and style of "The Wiggan Mining and Manufacturing Company," for the purpose of mining and manufacturing mineral, vegetable and other substances in the counties of Kanawha and Boone; and they Rights, powers are hereby invested with all the rights, privileges and powers, and sub-and liabilities. jected to all the rules, regulations and restrictions prescribed for the government and control of such bodies politic and corporate by the Code of Virginia, so far as the same is applicable to and not inconsistent with the privileges and powers herein granted.

2. The capital stock of the said company shall not be less than one Capital. hundred thousand dollars nor more than five hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the said Real company shall have the power to purchase and hold lands, not exceeding two thousand acres at any one time, in the said counties of Kana-

wha and Boone.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 357.—An ACT to incorporate the Wytheville manufacturing company. [Passed May 14, 1852.]

Commissioners 1. Be it enacted by the general assembly, That it shall be lawful for for subscriptions. William H. Spiller, Robert Kent, Joseph F. Kent, Robert Gibbony, William Gibbony, Andrew S. Fulton, George Stuart, sr., John H. Stuart, George Stuart, jr., Edward Walker, Ephraim McGavoch, Isaac J. Leftwich, Floming K. Rich, Thomas J. Morrison, David Graham and Thomas J. Boyd, and such other persons as any one of the above-named persons shall appoint, each to open books, at such times and places as he may appoint, for the purpose of receiving subscriptions to a joint capital stock not exceeding in the whole the sum of five hundred thou-sand dollars, to be divided into shares of twenty dollars each, for the manufacture of woolen and cotton yarns and fabrics, and of iron and any other articles, at or near the town of Wytheville in Wythe county.

Capital.

Wytheville mapany incorporated.

2. When one hundred shares of the said capital stock shall have been nufacturing com- subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company by the name and style of "The Wytheville Manufacturing Company," subject to the provisions of chapters fifty-six and fifty-seven of the Code of Virginia, so far as applicable to such companies, and not modified or changed by this act. Said company may be organized at any time within five years after this act shall take effect.

When company to be organized.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 358.—An ACT to amend the charter of Alexandria. [Passed May 7, 1852.]

1. Be it enacted by the general assembly of Virginia, That the act of

Certain acts constituting charter congress of the United States, approved on the twenty-fifth day of Febof Alexandria repealed.

ruary, in the year one thousand eight hundred and four, entitled "an act to amend the charter of Alexandria;" the act of the congress of the United States, approved on the thirteenth day of May, in the year one thousand eight hundred and twenty-six, entitled "an act further to amend the charter of the town of Alexandria;" and the act of the congress of the United States, approved on the seventh day of February. in the year one thousand eight hundred and forty-three, entitled "an act to amend the charter of the town of Alexandria;" and all other acts or parts of acts inconsistent with the provisions of this act, be and the Proviso as to acts same are hereby repealed: Provided however, That the mayor and common council of Alexandria shall and may remain and continue as such for and during the terms for which they have been respectively elected, subject to the terms and conditions in such cases legally made and provided; and all acts or things done or which may be done by them in pursuance of the provisions or by virtue of the authority of the said acts, or either of them, and not inconsistent with the provisions of this act, shall be valid and of as full force and effect as if the said acts had

of mayor and council.

Town to be called city of Alexan-dria. Wards of city, and places of voting. See ante, p. 50, § 4, and p. 51, § 10, 11.

not been repealed. 2. The town of Alexandria shall hereafter be known and called by the name of the "City of Alexandria," and shall be and is hereby divided into two districts by a line running east and west, at an equal distance between King and Prince streets, beginning at the river Potomac and extending to the western boundary of said city; and all that part of the city which is situate north of the said dividing line shall be called the northern district; and all that part of the city which is situate south of the dividing line shall be called the southern district of the city of Alexandria; and when any house or lot shall be situate partly in each district, it shall be considered as lying in that district where the greater part

of said house or lot is situate, and shall be assessed accordingly. Each of the districts aforesaid shall be divided into two electoral wards by a line running north and south through the middle of Pitt street, to be called respectively the first, second, third and fourth wards. None of What taxes of the taxes on the valuation of real property which shall hereafter be col- one district not lected in the northern district, shall be expended in the regulating or fill- in the other. ing up, or paving or repairing the streets or sinking of wells, or building of bridges in the southern district; nor shall any of the taxes on the valuation of real property which shall hereafter be collected in the southern district, be expended in the regulating or filling up, or paving or repairing the streets, or sinking of wells or building of bridges in the northern district. But all moneys to be expended upon the aforesaid Assessments for improvements in either district, shall be raised by an assessment on the special improve-valuation of real property in each district respectively, at the times and trict, how made. in the manner the city council shall order and direct. It shall be the Accounts for duty of the assessors and other public officers to keep the accounts of each district to each district separate and district in regard to the assessments for the aforesaid local purposes; and all other taxes which are now or shall General fund. hereafter be assessed or levied upon the valuation of real property or other subjects, together with the fines and the rents issuing from the property belonging to the corporation, and all their other resources shall constitute a general fund to be appropriated as the city council shall direct. The city council shall have power, from time to time, to alter the Wards, how boundaries of the wards, and to increase their number.

3. Every white male citizen of this state, who shall possess the qualissee ante, p. 50, fications and requirements of a voter for a member of the general as-51, § 4, 10, 11. sembly, and who shall moreover have resided in the said city one year, Right of sufand in the ward in which he offers to vote one month next preceding the and in the ward in which he offers to vote one month next preceding the election, and none others, shall be qualified to vote for members to serve in the city council of the said city, and all officers of the corporation elective by the people; and in all elections the votes shall be given vira Votes, how and roce, and not by ballot; but dumb persons entitled to suffrage may vote where given. by ballot; and every person qualified as aforesaid shall vote in the ward

of which he is a resident, and not elsewhere.

4. The city council of Alexandria shall be formed of two distinct City council, branches. One of these shall be called the common council, and shall how constituted consist of sixteen members, to be elected annually, four from each ward; and elected. the other shall be called the board of aldermen, and shall consist of eight Aldermen, how. members, to be elected for the term of two years, two from each ward.

venient place in the wards in which they respectively reside, and elect cil, how elected. four persons for the representatives of such ward in the common council, out of the qualified voters who shall have resided in such ward for three months immediately preceding the election, and two persons for representatives of such ward in the board of aldermen, out of the qualised voters who shall have resided in such ward for six months immediately preceding. And the said election of members to serve in the Election, when. common council shall be held on the first Tuesday of March in every year, by three commissioners to be appointed in each ward for that pur- Commissioners pose by the common council for the ensuing election, and afterwards by of elections, how the city council; which appointment shall be at least ten days before the pointed. day of each election. And the said commissioners, or a majority of them, Poll keepers, may employ such writers, and at such rate of compensation as the coun-how appointed; eil may direct, or in the absence of such direction, such writers and at their pay.

oath, to be administered by the mayor, or any justice of the peace of the county of Alexandria, to record the votes faithfully and impartially. They shall deliver or cause to be delivered to each writer a poll-book Poll-books, how for those officers as to which such writer is to record the votes, and each kept.

writer shall enter the name of each voter in a column under the name of each person for whom he votes for any of said offices. The said votes Votes, how reshall be given as prescribed by the third section of this act, but at the ceived. time a vote is given the said commissioners conducting the election shall

receive of each voter a paper or ticket (with his name written on it,

5. The persons qualified to vote as aforesaid shall meet at some con-Members of coun-

such rate as they shall think proper, and they shall respectively take an Their oaths.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be, any amendment, alteration or modification, at the pleasure of assembly.

CHAP. 357.—An ACT to incorporate the Wytheville manus [Passed May 14, 1852.]

William H. Spiller, Robert Kent, Joseph F. William Gibbony, Andrew S. Fulton, George Stuart, jr., Edward Walker, Ephr. Action Floming K. Rich, Thomas J. Mo. Leftwich, Fleming K. Rich, Thomas J. Mo
Thomas J. Boyd, and such other persons as persons shall appoint, each to open books
he may appoint, for the purpose of recapital stock not exceeding in the who sand dollars, to be divided into shave manufacture of woolen and cotton any other articles, at or near the two subscribed, the subscribers, their shall be and are hereby incorrated.

Wytheville manufacturing company incorporated.

When company to be organized.

Commencement to be organized.

Commencement Control over charter.

3. This act shall be any amendment, alter ral assembly.

Certain acts con-

stituting charter

of Alexandria

repealed.

CHAP.

1. Be it / congress o / ruary, in to ame

United thou am gr

.. of four of er in his opinion ority of the said comay of their election, and ...eir stead, and no longer. nen, elected as aforesaid, or any six of

u he

on held under this act, and thereafter those Le of them, with those elected, or any three of even days after the election in each year, assemble he mayor's office, or any other place which shall be hereor their meeting, and shall organize in like manner with the

is of the common council; and the president of the said board addermen shall have like power, while the said board is in session, with the president of the common council; and he shall convene the city council, whenever in the opinion of two of the members of each branch, expressed to him in writing, or whenever in his opinion the good of the city may require it; and the authority of the said board of aldermen shall continue one year from the day of the election, and until others

7. The common council and board of aldermen so elected, together,

are qualified in their stead, and no longer.

and those thereafter to be elected, and their successors, shall be and are hereby made a body politic and corporate by the name of "The City Council of Alexandria;" and by the said name shall have perpetual succession, with capacity to purchase, take, possess and enjoy lands and tenements, goods and chattels, either in fee or lesser estate therein, and the same to give, grant, let, sell, assign or transfer; and to plead and be impleaded, prosecute and defend all causes, complaints and actions, real, personal or mixed, and to have a common seal and perpetual succession. And all the estate, rights and credits, now vested in the common council of Alexandria, shall be vested in the said city council when elected, and may be recovered in their name for the use of the said city, and in like

manner all claims and demands against the common council of Alexan-

Proviso as to of mayor r

Rights of former common council veeted in city council. Claims against

county of Chesterfield on Swift creek, near the turnpike road of the Manchester and Petersburg turnpike company; and they are hereby in-Rights, powers vested with all the rights, powers and privileges conferred, and made and liabilities. subject to all the rules, regulations and restrictions imposed by the fiftysixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable to the purposes of the said company and not inconsistent with this act.

2. The capital stock of said company shall not be less than eight Capital. thousand nor more than fifty thousand dollars, to be divided into shares Amended. of one hundred dollars each; and it shall be lawful for the commissioners hereinafter named to open books of subscription for raising the said capital, at such time and place as they shall designate; and as soon as the said capital stock of eight thousand dollars shall have been subscribed, the said commissioners shall give notice thereof in one of the General meeting, newspapers printed in the city of Petersburg for two weeks, and by said how called.

notice shall call a meeting of the subscribers. 3. The said company shall have power to purchase, hold and possess Real estate.

land in the county of Chesterfield, not exceeding fifty acres.

4. Lemuel Peebles, Oscar Britton, Peter B. Wills, David Dunlop, Commissioners. James Burton, James Lynch and Joseph W. Smith, or any three of them, are hereby appointed commissioners to carry out the provisions of this act.

5. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene- Control over ral assembly.

CHAP. 346.—An ACT amendatory of the second section of an act, entitled "an act to incorporate the Swift creek manufacturing company," passed April 21, 1852.

[Passed June 5, 1852.]

1. Be it enacted by the general assembly, That the second section of an Capital. act, entitled "an act to incorporate the Swift creek manufacturing com- See unte, c. 345. pany," passed April twenty-first, eighteen hundred and fifty-two, he reenacted and amended, so as to read as follows: The capital stock of said company shall not be less than five thousand nor more than fifty thousand dollars, to be divided into shares of one hundred dollars each; and subscriptions. it shall be lawful for the commissioners in the said act mentioned to open books of subscription for raising the said capital, at such time and place as they shall designate; and as soon as the said capital stock of five General meeting. thousand dollars shall have been subscribed, the said commissioners shall how called. give notice thereof, in one of the newspapers printed in the city of Petersburg, for two weeks, and by said notice shall call a meeting of the stockholders.

2. This act shall be in force from its passage.

Commencement

CHAP. 347.—An ACT to authorize the Union Potomuc company to reduce the par value of their capital stock.

[Passed March 13, 1852.]

1. Be it enacted by the general assembly, That so much of the second Capital of Union section of an act, entitled "au act to incorporate the Union Pototnac Potomac comcompany," passed February second, eighteen hundred and thirty-six, as pany. relates to the par value of the shares of the capital stock of the said company be and is hereby amended, by changing the words "ten thousand shares of one hundred dollars each." to "one hundred thousand shares of ten dollars each," and the words "twenty thousand shares," to "twe hundred thousand shares," so that the said section shall read as follows: The capital stock of the said company shall consist of one hundred thousand shares of ten dollars each, of which the lands and mines of the said Dust Green and his associates shall constitute a part, at a price to be agreed upon by the commissioners authorized to receive subscriptions to the capital stock of said company; and the directors of the said Power to incompany shall have power to increase their capital to such an amount as crease capital. may be found convenient and necessary for the accomplishment of the

Rights, powers and liabilities.

pany," for the purpose of exploring and mining for gold and other minerals in the counties of Goochland, Buckingham, Fluvanna, Louisa and Spotsylvania; and they are hereby invested with all the rights, privileges and powers conferred upon such bodies politic and corporate by the Code of Virginia, and subjected to all the restrictions, rules and regulations by the said Code prescribed, except that the said corperation shall not be required to open books of subscription for the capital stock of said company in Virginia, but may open such books in London

Capital. Real estate. or elsewhere, at their pleasure. 2. The capital stock of said company shall be not less than one huadred thousand nor more than five hundred thousand dollars, to be divided into shares of five dollars each; and the said company shall have the right to purchase and hold lands not exceeding five thousand acres, in the counties of Goochland, Buckingham, Louisa, Fluvanna and Spot-

President and directors.

3. That for the managing of the affairs of the company there shall be chosen annually a board of directors not exceeding nine, who shall hold their office for twelve months, or until their successors be appointed. They shall select from their number a president or managing director; and any five members may constitute a board for the transaction of bu-

Stock deemed personal estate and transferable.

4. The stock of the said company shall be deemed personal estate, and pass as such to the representatives of each stockholder, and be transferred, and certificates thereof issued in such manner and form as the president and directors, or stockholders in general meeting, may from time to time direct.

By-laws.

5. The president and directors shall have power to make such by-laws and regulations, not contrary to the laws of the United States and of this state, as they may deem proper for the government of said company.

Commencement. Control over charter.

6. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 353.—An ACT changing the name of the Wellsburg manufacturing company into that of the Phænix manufacturing company.

[Passed June 2, 1852.]

Name of Wellsburg manufacturing company changed.

1. Be it enacted by the general assembly, That the name of the Wellsburg manufacturing company, chartered by an act of the general assembly of March 29th, 1851, be and the same is hereby changed into that of the Phænix manufacturing company.

Commencement.

2. This act shall be in force from its passage.

CHAP. 354.—An ACT to incorporate the West Columbia mining and manufacturing company in the county of Mason.

[Passed February 25, 1852.]

West Columbia mining and manufacturing company incorporeted.

1. Be it enacted by the general assembly, That William Burnett, and such other persons as may be hereafter associated with him, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The West Columbia Mining and Manufacturing Company," for the purpose of mining and manufacturing salt, coal and other minerals, vegetable and other substances, in and from the county of Mason; and the said company is hereby invested with all the rights, privileges and powers conferred on such bodies corporate by the Code of Virginia, and subjected to all the rules, regulations and restrictions provided by said Code, so far as they are applicable to and not inconsistent with the powers and privileges herein contained and granted.

Rights, powers and liabilities.

Capital.

2. The capital stock of the said company shall not be less than one hundred thousand dollars nor more than six hundred thousand dollars. to be divided into shares of fifty dollars each; and the said company shall Real estate. have the right to purchase and hold lands, not exceeding three thousand

acres, at any one time in the said county of Mason.

- 3. It shall be lawful for the said company to erect and construct such Power to conrailroad or railroads upon their own lands, to be used only for the purstruct railroads. poses of this act, from any part of their works to the Ohio river, and Power to navito navigate by steamboats, flat boats and barges the said Ohio river and gate Ohio and its tributaries, in carrying freight, and their own productions and manufactures from their works in said county of Mason to any of the markets on said Ohio river and its tributaries. And the said company shall be subject, so far as applicable, to the provisions of the Code of Virginia in regard to railroads: Provided however, That the said Company not to company shall not bring or cause to be brought into this state for the circulate small purpose of circulation, any bank notes, or the notes issued by any individuals or incorporated companies of another state, of a less denomination than five dollars. And the charter of said company by any violation of this provision shall be forfeited, and shall ipso facto cease and determine.
- 4. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-charter.

CHAP. 355.—An ACT to incorporate the White Hall mining and manufacturing company.

[Passed March 27, 1852.]

1. Be it enacted by the general assembly, That William M. Peyton and White Hall minsuch other persons as may be hereafter associated with him, shall be and ing and manufacturing are hereby incorporated and made a body politic and corporate unincorporated. der the name and style of "The White Hall Mining and Manufacturing Company," for the purpose of mining coal and other minerals, and manufacturing iron castings, nails, et cetera, in the county of Boone; and Rights, powers are hereby invested with all the powers and privileges conferred on such and liabilities. bodies politic and corporate by the laws now in force, and are subject to all the rules, regulations and restrictions prescribed by said laws, so far as they are not inconsistent with the powers herein contained and granted.

2. Be it further enacted, That the capital stock of said company shall Capital.

not be less than one million of dollars, to be divided into shares of one
hundred dollars each; and that the said company shall have the right to Real estate.
purchase and hold land, not exceeding two thousand acres, in the county

of Boone.

3. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the gene-Control over ral assembly.

Chap. 356.—An ACT to incorporate the Wiggan mining and manufacturing company.

[Passed May 27, 1852.]

1. Be it enacted by the general assembly, That John J. Boyd, and such wiggan mining other persons as may be hereafter associated with him, shall be and they and manufacturare hereby incorporated and made a body politic and corporate under corporated the name and style of "The Wiggan Mining and Manufacturing Company," for the purpose of mining and manufacturing mineral, vegetable and other substances in the counties of Kanawha and Boone; and they Rights, powers are hereby invested with all the rights, privileges and powers, and subjected to all the rules, regulations and restrictions prescribed for the government and control of such bodies politic and corporate by the Code of Virginia, so far as the same is applicable to and not inconsistent with the privileges and powers herein granted.

2. The capital stock of the said company shall not be less than one Capital. bundred thousand dollars nor more than five hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the said Real estate. company shall have the power to purchase and hold lands, not exceeding two thousand acres at any one time, in the said counties of Kana-

wha and Boone.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 357.—An ACT to incorporate the Wytheville manufacturing company. [Passed May 14, 1852.]

Commissioners 1. Be it enacted by the general assembly, That it shall be lawful for for subscriptions. William H. Spiller, Robert Kent, Joseph F. Kent, Robert Gibbony, William Gibbony, Andrew S. Fulton, George Stuart, sr., John H. Stuart, George Stuart, jr., Edward Walker, Ephraim McGavoch, Isaac J. Leftwich, Fleming K. Rich, Thomas J. Morrison, David Graham and Thomas J. Boyd, and such other persons as any one of the above-named persons shall appoint, each to open books, at such times and places as he may appoint, for the purpose of receiving subscriptions to a joint capital stock not exceeding in the whole the sum of five hundred thousand dollars, to be divided into shares of twenty dollars each, for the

> manufacture of woolen and cotton yarns and fabrics, and of iron and any other articles, at or near the town of Wytheville in Wythe county.

Capital.

Wytheville mapany incorpo-

2. When one hundred shares of the said capital stock shall have been nuiacturing com-subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company by the name and style of "The Wytheville Manufacturing Company," subject to the provisions of chapters fifty-six and fifty-seven of the Code of Virginia, so far as applicable to such companies, and not modified or changed by this act. Said company may be organized at any time within five years after this act shall take effect.

When company to be organized.

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 358.—An ACT to amend the charter of Alexandria. [Passed May 7, 1852.] 1. Be it enacted by the general assembly of Virginia, That the act of

congress of the United States, approved on the twenty-fifth day of Feb-

Certain acts constituting charter of Alexandria repealed.

ruary, in the year one thousand eight hundred and four, entitled "an act to amend the charter of Alexandria;" the act of the congress of the United States, approved on the thirteenth day of May, in the year one thousand eight hundred and twenty-six, entitled "an act further to amend the charter of the town of Alexandria;" and the act of the congress of the United States, approved on the seventh day of February, in the year one thousand eight hundred and forty-three, entitled "an act to amend the charter of the town of Alexandria;" and all other acts or parts of acts inconsistent with the provisions of this act, be and the Proviso as to acts same are hereby repealed: Provided however, That the mayor and common council of Alexandria shall and may remain and continue as such for and during the terms for which they have been respectively elected, subject to the terms and conditions in such cases legally made and provided; and all acts or things done or which may be done by them in pursuance of the provisions or by virtue of the authority of the said acts, or either of them, and not inconsistent with the provisions of this act, shall be valid and of as full force and effect as if the said acts had not been repealed.

of mayor and council.

Town to be called city of Alexan-dria. Wards of city, and places of voting. See ante, p. 50, § 4, and p. 51, § 10, 11.

2. The town of Alexandria shall hereafter be known and called by the name of the "City of Alexandria," and shall be and is hereby divided into two districts by a line running east and west, at an equal distance between King and Prince streets, beginning at the river Potomac and extending to the western boundary of said city; and all that part of the city which is situate north of the said dividing line shall be called the northern district; and all that part of the city which is situate south of the dividing line shall be called the southern district of the city of Alexandria; and when any house or lot shall be situate partly in each district, it shall be considered as lying in that district where the greater part

of said house or lot is situate, and shall be assessed accordingly. Each of the districts aforesaid shall be divided into two electoral wards by a line running north and south through the middle of Pitt street, to be called respectively the first, second, third and fourth wards. None of What taxes of the taxes on the valuation of real property which shall hereafter be col- one district not to be expended lected in the northern district, shall be expended in the regulating or fill- in the other. ing up, or paving or repairing the streets or sinking of wells, or building of bridges in the southern district; nor shall any of the taxes on the valuation of real property which shall hereafter be collected in the southern district, be expended in the regulating or filling up, or paving or repairing the streets, or sinking of wells or building of bridges in the northern district. But all moneys to be expended upon the aforesaid Assessments for improvements in either district, shall be raised by an assessment on the special improvemantation of real property in each district respectively, at the times and trict, how made. in the manner the city council shall order and direct. It shall be the Accounts for duty of the assessors and other public officers to keep the accounts of each district to each district separate and distinct in regard to the assessments for the aforesaid local purposes; and all other taxes which are now or shall General fund. hereafter be assessed or levied upon the valuation of real property or other subjects, together with the fines and the rents issuing from the property belonging to the corporation, and all their other resources shall constitute a general fund to be appropriated as the city council shall di-The city council shall have power, from time to time, to alter the Wards, how boundaries of the wards, and to increase their number.

3. Every white male citizen of this state, who shall possess the quali- See ante, p. 50, fications and requirements of a voter for a member of the general as-51, § 4, 10, 11. sembly, and who shall moreover have resided in the said city one year, frage. and in the ward in which he offers to vote one month next preceding the election, and none others, shall be qualified to vote for members to serve in the city council of the said city, and all officers of the corporation elective by the people; and in all elections the votes shall be given vira Votes, how and toce, and not by ballot; but dumb persons entitled to suffrage may vote where given. by ballot; and every person qualified as aforesaid shall vote in the ward

of which he is a resident, and not elsewhere.

4. The city council of Alexandria shall be formed of two distinct City council, branches. One of these shall be called the common council, and shall be constituted consist of sixteen members, to be elected annually, four from each ward; and elected. the other shall be called the board of aldermen, and shall consist of eight Aldermen, how. members, to be elected for the term of two years, two from each ward.

venient place in the wards in which they respectively reside, and elect cil, how elected. four persons for the representatives of such ward in the common council, out of the qualified voters who shall have resided in such ward for three months immediately preceding the election, and two persons for representatives of such ward in the board of aldermen, out of the qualified voters who shall have resided in such ward for six months immediately preceding. And the said election of members to serve in the Election, when. common council shall be held on the first Tuesday of March in every year, by three commissioners to be appointed in each ward for that pur- Commissioners pose by the common council for the ensuing election, and afterwards by of elections, how the city council; which appointment shall be at least ten days before the pointed. day of each election. And the said commissioners, or a majority of them, Poll keepers, may employ such writers, and at such rate of compensation as the coun-how appointed; eil may direct, or in the absence of such direction, such writers and at their pay. such rate as they shall think proper, and they shall respectively take an Their oaths.

oath, to be administered by the mayor, or any justice of the peace of the county of Alexandria, to record the votes faithfully and impartially. They shall deliver or cause to be delivered to each writer a poll-book Poll-books, how for those officers as to which such writer is to record the votes, and each kept. writer shall enter the name of each voter in a column under the name of each person for whom he votes for any of said offices. The said votes votes, how reshall be given as prescribed by the third section of this act, but at the ceived. time a vote is given the said commissioners conducting the election shall receive of each voter a paper or ticket (with his name written on it,

5. The persons qualified to vote as aforesaid shall meet at some con-Members of coun-

Commencement. Control over charter.

3. This act shall be in force from its passage, and shall be subject a any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 357.—An ACT to incorporate the Wytheville manufacturing company [Passed May 14, 1852.]

Commissioners 1. Be it enacted by the general assembly, That it shall be lawful for subscriptions. William H. Spiller, Robert Kent, Joseph F. Kent, Robert Gibbon, William Gibbony, Andrew S. Fulton, George Stuart, sr., John H. Sa art, George Stuart, jr., Edward Walker, Ephraim McGavoch, Isaac I. Leftwich, Fleming K. Rich, Thomas J. Morrison, David Graham ast Thomas J. Boyd, and such other persons as any one of the above-name persons shall appoint, each to open books, at such times and places # he may appoint, for the purpose of receiving subscriptions to a jest capital stock not exceeding in the whole the sum of five hundred thessand dollars, to be divided into shares of twenty dollars each, for the manufacture of woolen and cotton yarns and fabrics, and of iron and any other articles, at or near the town of Wytheville in Wythe county.

2. When one hundred shares of the said capital stock shall have been

Capital.

Wytheville mapany incorpo-

nuiscturing com- subscribed, the subscribers, their executors, administrators and assigns. shall be and are hereby incorporated into a company by the name and style of "The Wytherille Manufacturing Company," subject to the previsions of chapters fifty-six and fifty-seven of the Code of Virginia. far as applicable to such companies, and not modified or changed by this

When company to be organized.

Commencement. Control over charter.

after this act shall take effect. 3. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

act. Said company may be organized at any time within five year

CHAP. 358.—An ACT to amend the charter of Alexandria. [Passed May 7, 1852.]

Certain acts conatituting charter of Alexandria repealed.

of mayor and

Town to be called city of Alexan-dria. Wards of city, and places of voting. See ante, p. 50, § 4, and p. 51, § 10, 11.

council.

1. Be it enacted by the general assembly of Virginia, That the act of congress of the United States, approved on the twenty-fifth day of February, in the year one thousand eight hundred and four, entitled "an act to amend the charter of Alexandria;" the act of the congress of the United States, approved on the thirteenth day of May, in the year one thousand eight hundred and twenty-six, entitled "an act further w amend the charter of the town of Alexandria;" and the act of the congress of the United States, approved on the seventh day of February, in the year one thousand eight hundred and forty-three, entitled "an act to amend the charter of the town of Alexandria;" and all other acts or parts of acts inconsistent with the provisions of this act, be and the Proviso as to acts same are hereby repealed: Provided however, That the mayor and common council of Alexandria shall and may remain and continue as such for and during the terms for which they have been respectively elected, subject to the terms and conditions in such cases legally made and provided; and all acts or things done or which may be done by them in pursuance of the provisions or by virtue of the authority of the said acts, or either of them, and not inconsistent with the provisions of this act, shall be valid and of as full force and effect as if the said acts had not been repealed.

2. The town of Alexandria shall hereafter be known and called by the name of the "City of Alexandria," and shall be and is hereby divided into two districts by a line running east and west, at an equal distance between King and Prince streets, beginning at the river Potomac and extending to the western boundary of said city; and all that part of the city which is situate north of the said dividing line shall be called the northern district; and all that part of the city which is situate south of the dividing line shall be called the southern district of the city of Alexandria; and whom any house or lot shall be situate partly in each district, it shall be considered as lying in that district where the greater part of said house or lot is situate, and shall be assessed accordingly. Each of the districts aforesaid shall be divided into two electoral wards by a ine running north and south through the middle of Pitt street, to be :alled respectively the first, second, third and fourth wards. None of What taxes of he taxes on the valuation of real property which shall hereafter be col- one district not ected in the northern district, shall be expended in the regulating or fill- in the other. ug up, or paving or repairing the streets or sinking of wells, or buildng of bridges in the southern district; nor shall any of the taxes on the valuation of real property which shall hereufter be collected in the southern district, be expended in the regulating or filling up, or paving or repairing the streets, or sinking of wells or building of bridges in the northern district. But all moneys to be expended upon the aforesaid Assessments for improvements in either district, shall be raised by an assessment on the special improve-valuation of real property in each district respectively, at the times and trict, how made. in the manner the city council shall order and direct. It shall be the Accounts for duty of the assessors and other public officers to keep the accounts of each district to be separated. each district separate and distinct in regard to the assessments for the aforesaid local purposes; and all other taxes which are now or shall General fund. hereafter be assessed or levied upon the valuation of real property or other subjects, together with the fines and the rents issuing from the property belonging to the corporation, and all their other resources shall constitute a general fund to be appropriated as the city council shall direct. The city council shall have power, from time to time, to alter the Wards, how boundaries of the wards, and to increase their number.

3. Every white male citizen of this state, who shall possess the qualisse ante, p. 50, fications and requirements of a voter for a member of the general as-51, §4, 10, 11. sembly, and who shall moreover have resided in the said city one year, frage. and in the ward in which he offers to vote one month next preceding the election, and none others, shall be qualified to vote for members to serve in the city council of the said city, and all officers of the corporation elective by the people; and in all elections the votes shall be given vira Votes, how and tocc, and not by ballot; but dumb persons entitled to suffrage may vote where given. by ballot; and every person qualified as aforesaid shall vote in the ward of which he is a resident, and not elsewhere.

4. The city council of Alexandria shall be formed of two distinct City council, branches. One of these shall be called the common council, and shall how constituted consist of sixteen members, to be elected annually, four from each ward; and elected. the other shall be called the board of aldermen, and shall consist of eight Aldermen, how. members, to be elected for the term of two years, two from each ward.

four persons for the representatives of such ward in the common council, out of the qualified voters who shall have resided in such ward for three months immediately preceding the election, and two persons for representatives of such ward in the board of aldermen, out of the qualified voters who shall have resided in such ward for six months immediately preceding. And the said election of members to serve in the Election, when. common council shall be held on the first Tuesday of March in every year, by three commissioners to be appointed in each ward for that pur- Commissioners pose by the common council for the ensuing election, and afterwards by of elections, how the city council; which appointment shall be at least ten days before the pointed. day of each election. And the said commissioners, or a majority of them, Poll keepers, may employ such writers, and at such rate of compensation as the coun-how appointed; cil may direct, or in the absence of such direction, such writers and at their pay.

such rate as they shall think proper, and they shall respectively take an Their oaths. oath, to be administered by the mayor, or any justice of the peace of the county of Alexandria, to record the votes faithfully and impartially. They shall deliver or cause to be delivered to each writer a poll-book Poll-books, how for those officers as to which such writer is to record the votes, and each kept. writer shall enter the name of each voter in a column under the name of

each person for whom he votes for any of said offices. The said votes votes, how reshall be given as prescribed by the third section of this act, but at the ceived. time a vote is given the said commissioners conducting the election shall receive of each voter a paper or ticket (with his name written on it,

to be expended

5. The persons qualified to vote as aforesaid shall meet at some con-Members of counvenient place in the wards in which they respectively reside, and elect cil, how elected.

for what office. And at the election of members to serve in the com-

Board of aldermen, how elected, and when.

fied. When their terms expire.

mon council which shall be held on the first Tuesday in March in the year one thousand eight hundred and fifty-three, at the same time and in like manner, two persons shall be elected for representatives of each Aldermen classi ward in the board of aldermen. Upon the assembling of the members of the board of aldermen so elected, they shall be divided into two equal classes, one of each class from each ward to be numbered by lot. term of service of the members of the first class shall expire with that of the members of the common council first elected under this act, and of the members of the second class at the expiration of one year thereafter; and this alternation shall be continued, so that one-half of the members of the board of aldermen, one from each ward, may be chosen The first election under this act shall be held at such place every year. other elections to in each ward as shall be fixed on by the common council, and thereafter shall be held at such place in each ward as shall be appointed by the Vacancies among city council, of which public notice shall be given. The mayor shall appoint commissioners to fill vacancies which may occur in the number of commissioners of election appointed as aforesaid by the city council, caused by death, refusal to serve, absence from the city, or any other

Where first and

commissioners, how filled.

Meeting of council, when and where.

Their president.

Qualification of president and council

Power of presi-

Council, how convened.

of aldermen.

his power. Power to con-

vene council.

aldermen.

City council incorporated.

Cerporate powers.

Rights of former common council vested in city council. Claims against

7. The common council and board of aldermen so elected, together, and those thereafter to be elected, and their successors, shall be and are hereby made a body politic and corporate by the name of "The City Council of Alexandria;" and by the said name shall have perpetual succession, with capacity to purchase, take, possess and enjoy lands and tenements, goods and chattels, either in fee or lesser estate therein, and the same to give, grant, let, sell, assign or transfer; and to plead and be impleaded, prosecute and defend all causes, complaints and actions, real, personal or mixed, and to have a common seal and perpetual succession. And all the estate, rights and credits, now vested in the common council of Alexandria, shall be vested in the said city council when elected, and may be recovered in their name for the use of the said city, and in like manner all claims and demands against the common council of Alexan-

disability. 6. The members of the common council, elected as aforesaid, or any twelve of them, shall, within seven days after their election, in each year, assemble themselves at the present council chamber, or any other place which shall be hereafter fixed for their meeting, and shall choose one of their own body to be president of the said common council, to whom

shall be administered, by any justice of the peace in the county of Alexandria, an oath or affirmation for the faithful discharge of the duties of his office; whereupon the said president shall administer the oath of office to the other members of the council, and shall have, while they are in session, the same power which is at present exercised by the president of the present common council upon the like occasion; and he shall convene the common council whenever in the opinion of four of the members, expressed to him in writing, or whenever in his opinion Term of office of the good of the city may require it; and the authority of the said com-

mon council shall continue one year from the day of their election, and

Meeting of board until others are chosen and qualified in their stead, and no longer. the members of the board of aldermen, elected as aforesaid, or any six of them, chosen at the first election held under this act, and thereafter those holding over, or any three of them, with those elected, or any three of them, shall, within seven days after the election in each year, assemble themselves at the mayor's office, or any other place which shall be hereafter fixed for their meeting, and shall organize in like manner with the Their president; members of the common council; and the president of the said board of aldermen shall have like power, while the said board is in session,

city council, whenever in the opinion of two of the members of each branch, expressed to him in writing, or whenever in his opinion the good Term of office of of the city may require it; and the authority of the said board of aldermen shall continue one year from the day of the election, and until others

with the president of the common council; and he shall convene the

are qualified in their stead, and no longer.

dria, prior to the operation of the present act, may be prosecuted and corporation rerecovered against the aforesaid city council; and process served upon coverable against the mayor or the president of the board of aldermen, or of the common Process, how council, shall be deemed sufficient.

8. The jurisdiction of the said city council shall extend to the limits Jurisdiction of bereinafter prescribed. The concurrence of a majority of the whole city council. number of members of each branch of the city council shall be necessary are passed. for the passage of any law, order or resolution, or for repealing, altering

or revoking the same.

9. The said city council shall have power to erect work-houses, houses Work-houses, 9. The said city council shall have power to elect work-houses, includes, included, of correction, and other public buildings, for the benefit of the said city; houses of correction, and properties, and properties, and properties of the said city; houses of correction, and properties of the said city; houses of correction, and properties of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and other public buildings, for the benefit of the said city; houses of correction, and public buildings of the said city; houses of correction, and public buildings of the said city; houses of correction, and public buildings of the said city; houses of corrections of the said city; houses of city city city city city city. to pave, make and repair the streets and highways; to make all laws lie buildings. which they shall conceive requisite for the preservation of the health of the inhabitants, and for the regulation of the morals and police of the said city, and to enforce the observance of their laws by reasonable pe- Penalties and for-nalties and forfeitures, to be levied upon the goods and chattels of the fetures how reoffender; and where no such goods or chattels can be found, by confine-coverable. ment to labor for a period not exceeding three months; and they shall Power of taxahave power to raise money by taxes for the use and benefit of the said tion. city: Provided, That such laws shall not be repugnant to, or inconsistent with the laws and constitution of this state or of the United States. The said city council shall, whenever they deem it proper, have power power over to open, extend, regulate, pave and improve the streets within the limits streets. of the said city: Provided, They make to the person or persons who Compensation to may be injured by such opening or extension, just and adequate compowers of propensation out of the funds of the corporation. They shall have power harkets. to hold and keep, within the said city, market days, and from time to time to prescribe rules and regulations for the government of the market; to Public schools. provide for the establishment, maintenance and superintendence of pub-Regulation of lic schools, and for the registering of births, marriages and deaths, and &c. shall have power to preserve the navigation of the Potomac river within Navigation; their jurisdiction; to erect, repair and regulate public wharves, deepen wharves, docks, docks and basins, and to limit the extent of private wharves into the harbor; to restrain and prohibit the keeping of tippling houses, and all kinds of gaming; to provide for the licensing, taxing and regulating auctions, Restraints on tipof gaming; to provide for the heening, saxing and regulate party and other pling and gaming. theatrical and public shows and amusements; to regulate party and other pling and gaming. walls and fences, and to determine by whom they shall be kept in repair; Fences, wooden to direct in what part of the city buildings of wood shall not be erected, and other build-and to regulate the size of bricks to be used or made; and shall have Power over power to restrain and prohibit the nightly and other disorderly meetings slaves, free neof slaves, free negroes or mulattoes, and to punish such slaves by whip- groes, &c. ping, not exceeding thirty-nine stripes, or at the option of the owner of such slaves, by fine or confinement to labor, not exceeding three months for any one offence; and to punish such free negroes and mulattoes for such offences by whipping, not exceeding thirty-nine stripes, or by fixed penalties, not exceeding twenty dollars for one offence; and in case of the failure of such free negro or mulatto to pay and satisfy such penalty and costs, to cause such free negro or mulatto to be confined to labor for any time not exceeding six months, or to be sold for a term of years for any one offence; to cause and provide for the removal of all such pau-Paupers, vapers, vagrants and other persons as may not be legally entitled to resi-grants, &c. dence within the said corporation; to punish by fine or penalty any Minors and apminor or apprentice guilty of any breach of any law of the corporation; prentices. and unless such fine or penalty, with the costs of prosecution, be paid by the parent, guardian or master of such minor or apprentice, by confinement to labor for a limited time, not exceeding three months for any one offence; to regulate by law the inspection of domestic spirits and to Inspections. bacco, measuring and inspection of wood and bark, lumber, grain, coal, beef and pork, guano, butter and lard, hay, fodder and straw; and shall Elections of offiorder an election by the people of a guager of casks, and inspector of cers. domestic spirits, inspectors and measurers of wood and bark, and of lumber, a superintendent of police, collector or collectors of taxes, attorney for the corporation, assessors, clerk of the market, auditor of public accounts, city surveyor, chief engineer of the fire department, and super-

Power to prescribe their pay and duties. Nuisances.

intendent of the gas works; and shall have power to fix the compensation, and prescribe the powers and duties of all officers of the corporation, whose powers and duties are not herein prescribed; to pass all laws, not inconsistent with the laws and constitution of this state or of the United States, which they may conceive requisite for the prevention and Bonds of officers, removal of nuisances; to require any officer, before entering upon the duties of his office, to give bond and security, in a penalty to be fixed by

them, with condition for the faithful discharge of the duties of his office; and to pass all laws necessary and proper for carrying into execution the powers granted by this act.

harbor and yes-

Other laws.

Juriediction over

10. The jurisdiction of the said city council shall extend over the harbor of Alexandria, and over vessels of every description which may arrive and he in the harbor, or be at anchor in any part of the river Potomac below Pearson's island, for the purpose of preventing and removing all nuisauces, and such other subjects or things, being on board any such vessel, as may be prejudicial to the health of the city, and for no other purpose. And also their jurisdiction shall extend over the house in the vicinity of the city for the accommodation of the poor and others, and over the ground thereto belonging, and over all persons who may be sent or placed there by the consent or authority of the city council, and on their way to and from the same, until they be regularly dis-

Election of mayor.

Over poor.

His term.

How long eligi-

His oath, how administered.

His duties.

Removal of offi-His powers.

His pay.

Vacancies in council, how filled.

President pro Who to act in

Acts of council, how authentipassing acts. Proceedings therein.

charged. 11. The mayor of the city of Alexandria shall be annually elected by the qualified voters at the times and places, and in the manner that members of the city council are elected. He shall hold his office for one year from the time of his election, and until a successor is chosen and qualified in his stead; at the expiration of which period he may be reelected for two years thereafter in succession and no longer, until he shall have been out of office for one year. He shall, before he enters upon the duties of his office, take an oath or affirmation, in the presence of the common council, faithfully to execute his said office, which shall be recorded in its book of proceedings. He shall see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the city council, who, on satisfactory proof thereof, may remove from office the said delinquent. He shall have power to convene the city council, when, in his opinion, the good of the community may require it; and he shall lay before the city council from time to time, in writing, such alterations in the laws of the corporation as he shall deem necessary or proper. He shall have and exercise all the powers of a justice of the peace within the said city, and shall receive for his services annually a just and reasonable compensation, to be allowed and fixed by the city council, which shall not be increased or diminished during the period for which he shall have been elected.

12. Each branch of the city council shall have power to supply vacancies in their own body, by causing elections to be made in the manner hereinbefore directed, out of the citizens qualified to fill the said office, in the ward in which such vacancy shall have happened; and may in the absence of the president, elect a president pro tempore. In case of the temporary inability or absence of the mayor, the president mayor's absence, of the board of aldermen shall perform all the duties of the mayor that may be required to be performed during his absence or inability; and in case of a vacancy in the said office, he shall perform the duties thereof until a new election shall be made.

13. The acts of the city council shall be signed by the president of each branch, and shall be presented to the mayor for his approbation, each orange, and shall be prosented three days after it shall be Powers of mayor who, if he objects thereto, shall, within three days after it shall be presented to him for his assent, return it to that branch of the city council in which it originated, with his objections in writing; and if a majority of the whole number of the members of each branch shall be of opinion that the law ought to be passed, it shall, notwithstanding the objections of the mayor, become a law, and shall be signed by him; and if the mayor shall not return his objections as aforesaid, within Journal of coun-three days, it shall become a law, and shall be signed by him. The clerk of each branch of the city council shall record, in a book to be

kept by him for the purpose, all the proceedings of his branch, and shall How published. deliver a copy of them to the public printer, to be published for the information of the people; and the clerk of the common council shall Laws, how realso record in a book to be kept by him for the purpose, all the laws of corded and pubthe corporation, and shall furnish a copy of every law for publication as aforesaid.

14. Each branch of the city council shall have power to appoint and Powers of counremove its own president, clerk and messenger; and said council shall cil over its offiappoint and remove all officers of the corporation whose election is not over other officers between the corporation officers to be cers.

The election of corporation officers to be cers.

made by the people, shall be at the times and places and in the manner be elected. that the mayor is elected, and they shall be removable for good cause, Removal of offiby the city council; but the concurrence of a majority of the members cers. of each brauch shall be necessary for the removal of any officer; and Vacancies supwhenever a vacancy shall be occasioned by death, resignation, removal, plied. or neglect or refusal of any person to give the required bond, or refusal of any person to accept, or incapacity to hold any office, such vacaucy shall be filled by the city council until the next annual election, unless it be a vacancy in the office of mayor, in which case the city council shall Vacancy in order a new election by the people, for the unexpired term. The first mayor's office. election of the officers elective by the people, shall be held on the first officers, when. Tuesday in March in the year one thousand eight hundred and fifty-

15. Every person qualified to vote as aforesaid, and no other person Who eligible to shall be eligible to any corporation office. But no person shall hold more office. Not to hold two than one office or place of honor or profit, under the charter of the said office, city, at the same time: Provided however, That the attorney for the cor- Exception of at poration may be a member of either branch of the city council, and the torney and auditor. auditor for the corporation may be the clerk of either branch of said city council. If at any time one fourth of the voters in the city shall by Change in mode petition express, as to any of the officers of the corporation, a desire for cers, how made. a change in the mode of appointing one or more of them, the said city council shall by resolution direct a poll to be taken for and against such change, specifying in such resolution the particular office or offices as to which the change is proposed. The resolution shall designate a certain time for the poll, not less than one mouth from its date, and shall be published for one mouth in one or more newspapers of the city. At the How poll there-time designated the poll shall be taken, superintended and conducted by for taken. the same officers, at the same places and in like mauner as the elections hereinbefore mentioned. If a majority of the votes be in favor of the Decision rechange proposed, the city council shall have the fact entered on their corded. journals, and thenceforth, at the expiration of the year for which an election shall have been made to said office or offices, the same shall be filled in the mode specified in the said resolution.

16. The commissioners to superintend the election in each ward shall, Oaths of commisbefore they receive any vote, take severally the following oath or affir-sioners of elecmation, to be administered by the mayor or any justice of the peace: "I, A B, do solemnly swear, or affirm, (as the case may be,) that I will truly and faithfully receive and return the votes of such persons as are entitled to vote for members of the city council, mayor, and all other officers of the corporation elective by the people in ward No. , and that I will not knowingly receive or return the vote of any who is not legally entitled to the same. So help me God." The said election shall be closed on the How long polls day it is begun, and the poll shall be kept open until sunset, and no kept open longer. The said commissioners in each ward, or a majority of them, Duty of commisshall, on the next day after the election, make a list of all the votes re-sioners in return-ceived at said election; and the four persons having the greatest number of votes for members to serve in the common council, shall be duly elected; and the two persons at the first election under this act, and thereafter, the person having the greatest number of votes for members or member to serve in the board of aldermen, shall be duly elected; and in all cases of an equality of votes, the commissioners shall decide and

shall make a return of the persons so elected, under their hands and seals, to the mayor, who shall cause the same to be published in some

cate return, under their hands and seals, of the persons elected to serve in the common council, to the clerk of the common council, and of the

The said commissioners shall also send a dupli-

of election of members

newspaper of the city.

Contested elec-Expulsion of members.

Time and place for commissioners to compare polls.

Certificates of elections.

Proceedings to

persons at the first election under this act, and thereafter, of the person elected to serve in the board of aldermen, to the clerk of the board of Councils to judge aldermen, who shall respectively preserve and record the same. Each branch of the city council shall judge of the legality of the election of any person who shall be returned as a member thereof, and the city council shall have full power to pass all laws to enable them to come to a just decision upon a contested election. Each branch shall have power

to compel the attendance of its own members by reasonable penalties, Kules for govern. and to make all rules and regulations for the orderly and regular conduct of business. Each branch may punish any member for disorderly behavior, and, with consent of three-fourths of the whole number of its members, expel a member. 17. The said commissioners for all the wards, or a majority of the

commissioners for each ward, shall meet, on the day after the election, at

the chamber of the common council, or at such other fit and convenient

place as the city council may from time to time direct, and then and

there add and compare the votes given, in their respective wards, for mayor and all other officers of the corporation elective by the people; and the individuals having the highest number of votes for the respective offices, shall be declared by the commissioners to be duly elected: Who to decide in and in all cases of a tie the commissioners shall decide; and they shall make out certificates thereof respectively, and cause the same to be delivered to the persons elected respectively, and duplicates thereof to the clerk of each branch of the city council; and should the commissioners not be able to finish adding and comparing the votes in one day, they shall adjourn until the next day, when the same shall be completed.

18. Whenever taxes upon real property, or other claims or charges enforce payment upon real property within the city, shall be due and owing to the city of taxes.

council, and the proprietor shall fail to discharge the same, the city council, after giving the party ten days' notice, when he resides in the city, sixty days' notice when he resides out of the city and in the United States, and after six months publication in the newspapers when he resides out of the United States, shall be empowered to recover the said taxes or debts, by motion in the county or circuit court of Alexandria county: And provided. It shall appear to the satisfaction of the court, that such taxes or claims are justly due, judgment shall be granted, and an execution shall issue thereupon, with the costs of suit against the goods and chattels of the defaulter, if any can be found in the city; if not, the whole property upon which the tax or claim is due, shall by order of the court be leased out at public auction for the shortest term of years that may be offered, on condition that the lessee pay the arrearages, and the future tax during the term, and the costs, and be at liberty to remove all his improvements at the expiration of the lease: Provided always, That the city council may prosecute any other remedy, by action, for the recovery of the said taxes, and all other taxes and claims, which is now possessed or allowed.

Sale of houses

19. Tenements and lots of ground within the city of Alexandria on and lots for taxes. which taxes, assessments or charges remain due and unpaid to the cit y council of said city, for the space of two years, or shall hereafter remain due and unpaid for that space of time, or so much of said lots as may be necessary, may be sold at public auction for the payment of the taxes. assessments or charges which are or shall be due thereon, with the expenses attending the sale: Provided, That before any such sale be made, an affidavit of the collector of the district or ward in which such lots lie, stating that no goods or chattels of the person or persons charged with the payment of such taxes, assessments or charges sufficient to satisfy the same can be found within the corporation, shall be lodged with the Notice of sale to clerk of the common council: And provided, That public notice of the time and place of such sale shall be given by advertising in some newspaper published in the city of Alexandria, for at least six months, where

the property is assessed to persons residing out of the United States;

be given.

three months where the property is assessed to persons residing within the United States, but without the county of Alexandria; and six weeks when the property is assessed to persons residing within the county of Alexandria. In which notice shall be stated the street or streets, if any, on which such lots lie; the streets by which the square in which they lie is bounded, the name of the person or persons to whom they have been last assessed on the books of the assessors, and the amount of the taxes, assessments or charges due thereon: And provided further, That the purchaser or purchasers shall not be obliged to pay at the time of such sale more than the taxes, assessments or charges due, and the expenses of sale; and that if within two years from the day of sale, the Howownersmay proprietor or proprietors of such lot, his or their heirs, representatives or redeem proporty agents, shall pay to such purchaser or to the mayor, the money paid for sold. such taxes, assessments or charges and expenses as aforesaid, with ten per centum per annum as interest thereon, or make a tender of the same, he or she shall be reinstated in his, her or their original title; but if no Whatpartof prosuch tender be made within two years next after such sale, then the purceds of sale paid chaser shall pay the balance of the purchase money of such lot or lots, or such part or parts thereof as may have been sold, into the treasury of the city council, where it shall remain subject to the order of the proprietor or proprietors, or his or their legal representatives; and the purchaser, on the payment of the whole amount of the purchase money, shall receive a title to the said lot or lots, or such part or parts thereof, in fee simple, from the mayor, under his hand and the seal of his office, which shall be deemed good and valid in law and equity.

20. The city council shall have power to pass laws authorizing the Powers of colleccollectors to collect the taxes due the corporation, by distress or other-tors of taxes. wise, in like manner as the sheriffs are authorized to collect taxes due to

the commonwealth, and may provide for selling, for a limited term, free Sale of free ne. negroes and mulattoes for the non-payment of any tax levied by the city groes for taxes. council.

21. Nothing herein contained shall be construed to impair or destroy Prior rights or any right or remedy which the common council now possess or enjoy, remedies of corto or concerning any debts, claims or demands, against any person or paired. persons whatsoever, or to repeal any of the laws and ordinances of the common council of Alexandria now in force, which are not inconsistent with this act.

22. The limits of the city of Alexandria shall be extended on the Limits of city north and west as follows: Beginning in the Potomac river at a point extended. distant northerly in the direction of Fairfax street, four hundred and nincteen feet two inches from the north line of the present corporate limits of the town of Alexandria in said river, and running thence westerly, parallel with said north line, to a point at which it would intersect the present western line if extended north four hundred and nineteen feet ten inches; thence southwardly with the present western line; but the said city council shall have authority to make such police and sanitary regulations over the territory reaching ten feet west of the west bank of Hoof's or Mushpot run; then parallel to, and at that distance from said run to the line dividing Alexandria from Fairfax county; then southeasterly with said dividing line, to the present southwestern corner of the said town of Alexandria. And the fifty-fourth and fifty-sixth chapters of the Code of Virginia shall be applicable to the said city of Alexandria and its council, so far as may be consistent with this act. The common council of Alexandria shall appoint three commissioners Vote to be taken in each ward, under whose superintendence, or of one or more of them, on accepting after due notice, on the fourth day of August one thousand eight hundred and fifty-two, a poll shall be open and held, to take the sense of the voters qualified under the provisions of this act, to vote for members to serve in the city council, and all officers of the corporation elective by the people, upon the question whether this act shall be ratified or rejected. The said poll shall contain two columns, and shall be headed Form of poll. thus: "Shall the act to amend the charter of Alexandria, passed by the general assembly of Virginia on the , be ratified or reday of jected?"

"FOR ITS RATIFICATION."

"FOR ITS REJECTION."

certained and certified.

How election as And the said commissioners, or one at least from each ward, shall on the next day meet at the council chamber, and then and there add and compare the votes given for the ratification and rejection of this act, and shall make out a certificate of the result, and cause the same to be delivered to the clerk of the common council, who shall cause it to be recorded in their book of proceedings; and the said commissioners shall make out a duplicate of the said certificate, and cause it to be delivered to the mayor, who shall immediately make known the result of the said when act to take vote by his proclamation. If a majority of those voting have voted for

Amended. See resolutions

Blank in the roll. one thousand eight hundred and fifty-two; but if a day of majority have voted for its rejection, then this act shall not take effect.

> CHAP. 359.—An ACT to secure to mechanics and others payment for labor done and materials furnished in the erection of buildings in the city and county of Alexandria.

> > [Passed June 5, 1852.]

Lien given me-chanics and others for erecting andria.

1. Be it enacted by the general assembly of Virginia, That upon every dwelling-house or other building hereafter constructed and erected within ers for erecung buildings in Alex. the city and county of Alexandria, there shall be a lien for the amount of all debts contracted for or by reason of any work done or materials found and provided by any brickmaker, bricklayer, stonecutter, mason, lime merchant, carpenter, painter and glazier, iron monger, blacksmith, plasterer and lumber merchant, or any other person employed in furnishing materials for, or in erecting and constructing such house or building; and such lien shall exist for the ratable benefit of all such persons, and shall have preference over any lien, created by deed or otherwise, on such house or building subsequently to the commencement of the con-

lts preference.

of lien.

Time limited for struction thereof. But no person employed to do work or furnish maclaiming benefit terials for the construction of any such house or building, or any part thereof, by another, who may have contracted with the owner thereof to construct or erect the same, or any part thereof, shall have any lien on such house or building, unless such person shall, within thirty days after the term of his employment has expired, or after the delivery of materials furnished, give notice in writing, to the owner of such house or building, of the amount of his demand, and that he claims the benefit of the lien created by virtue of this act.

How lien to be enforced.

claimants.

2. Such lien may be enforced by the sale of such house or building, under a decree in equity or a judgment at law, in favor of any party es-To enure ratably tablishing his claim as hereinafter prescribed; and any decree or judg-for benefit of ment so rendered shall enure ratably for the benefit of all persons having such lien, and who may assert the same within the time hereinafter prescribed.

Within what time suit must be brought to ren der lien valid.

3. Such lien shall not be valid for any purpose, unless, within three months after the completion of such house or building, or the performance of such work, or the furnishing of such materials, a suit or action be commenced for the recovery of the amount claimed, or in case a suit or action has been so commenced by one or more of the parties interested, unless within the same time the amount claimed by any other person be filed in the clerk's office of the court in which such suit is instituted. The court in which any such suit is instituted, shall determine and settle, in a summary way, the claims of all persons who are parties thereto, or who have filed such claims as aforesaid, and may exercise, for the decision of their rights, all or any of the powers and authority prescribed in the first section of chapter one hundred and fifty-two of the Code of Virginia.

roceedings under suit, and ower of court

After payment receipt to be filed.

4. If any person, after commencing suit or action, or filing his claim as aforesaid, shall within ten days after receiving payment of his claim, and of all legal costs incurred, or a tender thereof, fail to file in the office of the court in which such suit was instituted or the claim was filed, a receipt and acquittance of the claim so paid or tendered to be paid, he shall forfeit to the party injured one-half of the amount so paid or tendered to be paid, to be recovered by action or motion in any court of record; and in case a tender of payment be so made and refused, the lien Ontender of paycreated by virtue of this act shall, upon such refusal, become null and of ment and refusal, no effect.

5. If the debtor be not in the county of Alexandria at the time any Summons to absuch suit is instituted, the summons shall be deemed duly served after sent defendants. publication of notice as prescribed in the Code of Virginia, in some newspaper printed in the city of Alexandria; and if such debtor appear, Appearance and be may plead and make defence as in other proceedings for the recovery pleading.

of debts.

6. In any such proceeding the judgment or decree of the court, if it Judgment of the be satisfied by proper evidence of the justice of the claims sued for or court. filed as aforesaid by the verdict of a jury, or if the parties consent thereto by the finding of the court itself, and that the benefit of the lien has been claimed within the time hereinbefore prescribed, shall be for the sale of the house or building; and for this purpose the court render- How building to ing such decree or judgment, shall direct the sheriff or other officer, or a be sold. commissioner specially appointed, to sell such house or building, upon such terms of credit and after such notice as such court shall deem right, unless within ninety days from the date of such decree or judgment, the How sale may be debtor shall pay to such officer or commissioner, or to such receiver as prevented. the court may appoint for the purpose, the aggregate amount of the claims for which the decree or judgment is, and all costs; and the pro- How proceeds of ceeds of such sale shall be applied, by order of such court, ratably to sale to be applied. the payment of such claims in proportion to their respective amounts. No such decree or judgment shall warrant the sale, in the manner here- What property inbefore prescribed, of any property belonging to such debtor, except to be sold. the house or building so constructed and erected, and so much of the lot on which it is erected as may, in the judgment of the court, be essential to its occupation and use, and no more; but upon such judgment or de- How other procree, the parties for whose benefit it was rendered may severally sue out perty made liable. executions against the property of the debtor for any unsatisfied balance of their respective claims, as upon other decrees or judgments.

7. This act shall be in force from its passage.

Commencement.

CHAP. 360.—An ACT making the town of Lynchburg a city, and revising and reducing into one act the provisions of its charter.

[Passed May 20, 1852.]

Whereas under an act of the general assembly of Virginia, passed Preamble. March tenth, eighteen hundred and nineteen, the lots and streets as laid off adjoining the town of Lynchburg, and extending southwest as far as twelfth street, southeast to sixth alley, and northwest to eleventh alley, were added to and made a part of the said town of Lynchburg; and under another act of the general assembly, passed January thirtieth, eighteen hundred and twenty-six, the limits of said town were extended so as to include within the same so much land as lies within the following boundary lines, to wit: Beginning at the east line at the junction of fifth street and sixth alley; thence along the branch to the south margin of the river at the horse ford; thence along the banks of the river to Blackwater creek, and along the creek to the limits of said town on the morth: Now,

1. Be it enacted by the general assembly. That the territory included Limits and within said boundaries, to wit: Beginning at the mouth of the branch, bounds of city of on the south margin of the river at the horse ford; thence along the bank of the river to the mouth of Blackwater creek; thence along the creek to eleventh alley; thence along said alley to twelfth street; thence along said street to sixth alley; thence along said alley to the east line at the junction of fifth street and sixth alley; thence along the branch to the south margin of the river at the horse ford, at the beginning, shall in future be known and designated as the "City of Lynchburg;" and the Incorporated. freeholders, housekeepers and inhabitants within said limits, and their successors, shall continue to be a corporation by the name and style of the "City of Lynchburg;" and the fifty-fourth and fifty-sixth chapters of General corpe the Code of Virginia shall be applicable to the said corporation and the rate powers.

council of said city, so far as may be consistent with this act. Said city and its inhabitants shall benceforth be exempt from all assessments or levies, in the way of taxes, imposed by the county court of Campbell for any purpose whatever.

Hustings court.

2. There shall continue to be for the said corporation a court, which shall be called the "Court of Hustings for the City of Lynchburg;" and the same shall be held by the recorder and aldermen of said city, or any three or more of them, except where it is otherwise provided. 3. The said court shall continue to have jurisdiction, and the said

Jurisdiction of

mayor, recorder and aldermen shall continue each to have the powers of a justice of the peace, not only within said corporate limits, but also for the space of one mile without and around said city, and every part thereof, for matters arising within the same, according to the laws of the commonwealth. And any presentment made in said court by a grand jury, for an offence against said laws committed within the jurisdiction of said court, may be prosecuted in said court in like manner, and like proceedings be had thereon as in the county courts of this commouwealth.

Presentments. how prosecuted.

Council, how composed.

Courte, how composed.

Pay of mayor and court.

Election of corporation officers, when and where.

Election of clerk veyor, when and where.

Vacancies filled.

Clerk pro tem-

Right of suffrage

in city.

City divided into

wards. Places of elec-Notice thereof to

be given.

Superintendents of election, how appointed. Their powers.

Their oath.

4. There shall be a board called the "Council of the City of Lynchburg," which shall be composed of twelve members, of whom, until the council shall otherwise prescribe, six shall be for each ward. Of members of said court of hustings other than the mayor, there shall also be twelve, of whom, until the council shall otherwise prescribe, there shall in like manner be six for each ward.

5. The council may grant compensation out of the funds of the city to the mayor of the city and the members of the court of hustings.

6. There shall be an election annually in each ward on the first Tuesday in April; or in case of failure to hold the election on that day, then on such day afterwards as the council may direct; which election in a ward shall be for its members of the council and members of the court of hustings, and for persons to fill, until the next annual election in said ward, the following offices for said city, to wit: Mayor, sergeant, high constable, master of police, and commissioner and assessor of revenue. 7. At the first election held under the preceding section, there shall be of court and sur; held in like manner an election for the following officers, to wit: A clerk

of the hustings court of said city, and a surveyor for said city; and on

the same day, in every sixth year thereafter, there shall be elected a clerk of said court and a surveyor; and every vacancy occurring in either of the offices enumerated in this section, shall be filled by an election for so much of said term as remains unexpired, to be held at such time as shall be directed by the council, and in the manner prescribed in this act; and in case the vacancy be in the office of clerk, the said hustings court may appoint a clerk pro tempore, who shall discharge the duties until a clerk shall be elected and qualified.

8. At such election in a ward, any white male citizen of the commonwealth of the age of twenty-one years, who resides in such ward, and is qualified to vote in the city for members of the general assembly, shall have a right to vote and be cligible as member of the council or of the court of hustings. 9. For such election the city shall continue divided (as at present) into

two wards, until the council shall lay it off into wards differently, or alter the wards. The said election shall be held at such place in each ward as shall have been prescribed by the council: the president or clerk of the council publishing previous to the election notice of the time and place therefor, in two papers of the city for two weeks, or for such other time as the council may direct.

10. For superintending said election the council shall previous thereto appoint five persons in each ward as commissioners, any two or more of whom may act, to superintend the election in such ward; and the said

commissioners shall have such powers and perform such duties as are prescribed by the sixth section of the seventh chapter of the Code of Virginia, after taking such oath as is mentioned in the seventh section of that chapter; a certificate of which oath shall be returned to the clerk of the council, to be preserved in his office.

11. The second section of said chapter shall apply to the poll at such How long poll is election. An officer to conduct the election in each ward shall be to be open. Code, appointed by the council, or if the council fail to do so, or the officer who to conduct appointed by it fail to attend, by the commissioners. Under the super-election. intendence and control of the commissioners, it shall be the duty of said His oath. officer (after taking the oath prescribed by the tenth section of said See Code, p. 74. chapter, a certificate whereof shall be returned to the clerk of the council) to cause the polls to be opened publicly for the election in the ward for which he is appointed; to proclaim and see recorded the votes admitted by the commissioners; to preserve order and remove force.

The said officer shall employ such writers, and at such rate of compen-Poll-keepers, and sation as the council may direct; or in the absence of such direction, their compensasuch writers, and at such rate as he shall think fit; and they shall re-Their oaths. spectively take an oath, to be administered by said officer, to record the votes faithfully and impartially. He shall deliver to each writer a poll- polls, how kept. book for those offices as to which such writer is to record the votes; and each writer shall enter the name of each voter in a column under the name of each person for whom he votes for any of said offices. The How votes to be said votes shall be given as prescribed by the fourth section of the given. third article of the constitution.

12. After the names of all the persons offering to vote before the time Poll, when for closing the election shall have been thus entered, the officer shall closed. conclude the poll. Immediately on the conclusion thereof, the correct- And how certiness of the poll shall be certified by the commissioners superintending fied.

the election and by the officer conducting the same.

13. If a person vote more than once in the same election, all his votes Double voting shall be stricken from the poll. This shall be done in an election for corrected. members of the council or of the court of hustings, by the officer con-correction. ducting the election for the ward in which such election is held, and in the election of other officers, by the officers conducting the elections in the several wards. It shall be done upon an examination of the polls, Scrutiny of poll. to be had as soon as practicable after they are closed; and the officer or officers shall at the same time attach to the poll a list of the voters stricken therefrom, and the reasons therefor.

14. The officer conducting the election in a ward shall then ascertain, Certificate of declare and certify what persons are elected in said ward as members of election. the council; or if an equal number of votes be given for persons, of whom one or more but not all could be lawfully elected, he shall certify the name of each of said persons, and the number of votes given for him. He shall also ascertain and certify the name of each person voted for in such ward as a member of the court of hustings, and the number of votes given for him. And the officers conducting the elections in the several wards shall, in respect to each of the other offices for which an election is held, ascertain and certify the name of each person voted for for such office, and the number of votes given for him.

15. The certificates of said officers with the polls shall be delivered by To whom returns them to the clerk of the council; whereupon, the persons appearing by made. said certificates to be elected in a ward as members of the council for such ward, shall be entitled, after taking the proper oath, to sit in the council until the council shall otherwise decide. The council shall as-Council to ascercertain, and upon their journal enter, what persons are elected from each tain who are ward as members of the court of hustings, and what person is elected. to each of the offices for the city that are mentioned in the sixth and seventh sections.

16. The council may decide between two or more persons having an Power of council equal number of votes for the same office, which of them is elected; it over elections. may pass upon the qualifications of persons voted for; it may prescribe Contested electhe manner of determining contested elections in cases not specially pro-tions. vided for by this act; it may prescribe the fines to be imposed on per-Fines for illegal sons who vote illegally; and in regard to any other question in respect voting. to which it directs a poll, it may make such rules and regulations as it elections. caay deem fit.

17. The council shall certify to the court of hustings the names of the Election of court, persons elected from each ward as members of said court, and the name how certified.

Notification of

dermen elected.

Term of members of council

and of court.

Term of mayor and other officers.

New elections to fill vacancies.

qualified.

How superin-tended and conducted.

Vacancies for unexpired terms, how filled.

How mode of electing any offi-cer may be

changed.

Poll therefor, how and when to be opened.

Corporate powers, rights and funds vested in city.

Real estate, how held.

of the person elected sergeant, and the name of the person elected high Bond of sergeant constable; and the said court shall take from said sergeant and constant and constant of the sergeant said sergeant and constant and constant of the sergeant said sergeant and constant of the sergeant said ser ble respectively, a bond in like manner as if it had appointed them. The council shall cause the several persons elected to be notified of their

election; and the persons elected members of the court of hustings shall Recorder and al-elect from among themselves one person as recorder and one as senior alderman of the city, and certify such election to said court. persons elected members of said court shall be aldermen of the city.

18. The members of the council for any ward, who may be in office at

the time an election is held for their successors, shall continue in office until said successors or a majority of them are qualified. The members of the court of hustings elected from any ward, who may be in office at the time an election is held for their successors, shall also continue in office until said successors or a majority of them are qualified. And the mayor and all other persons holding offices mentioned in the sixth and seventh sections, shall (unless sooner removed) continue in office after

their terms of service have expired, until their respective successors are

19. If the person who shall have received the highest number of votes for an office be adjudged by the council to be ineligible, or if in the case of a contested election the council decide that neither of the parties to the contest is entitled to the office for which the election was held, it shall, in either of said cases, order a new election to fill the vacancy, and prescribe the time therefor. And unless the council otherwise direct, such new election shall be conducted and superintended by the same officers who conducted and superintended the previous election, and shall be under the like regulations.

20. If, during the term for which a person may have been elected to any office herein mentioned, a vacancy occur in said office, otherwise than is mentioned in the preceding and seventh sections, such vacancy may be filled by an appointment for so much of said term as is unexpired. Such appointment shall be by the court of hustings, if the vacancy be in the office of sergeant, high constable, recorder, senior alderman or any other alderman, and shall, in other cases, be by the council. The appointment, if the vacancy be in the office of recorder or senior alderman, shall be from among the other members of the court; if in the office of any other alderman, or of a member of the council, from among the voters in the ward for which such member of the council was elected, or in which the number of aldermen is deficient; and if in any other office, from among those who would be eligible thereto if an election were held under any preceding section of this act. 21. If at any time one-fourth of the voters in the city shall by peti-

tion express, as to any of the officers appointable by the council, a desire for a change to enable them to elect one or more of them, the council may, by resolution, direct a poll to be taken for and against such change, specifying in such resolution the particular office or offices as to which the change is proposed. The resolution shall designate a certain time for the poll, not less than one month from its date, and shall be published for one month in at least two newspapers of the city. At the time designated the poll shall be taken, superintended and conducted by the same officers, at the same places, and in like manner, as the elections hereinbefore mentioned. If a majority of the votes be in favor of the change proposed, the council shall have the fact entered on their journal, and thenceforth there shall be an election under the sixth section for the particular office or offices specified in the resolution.

22. The corporation of the city of Lynchburg shall have all the estates, rights, titles and privileges; all the funds, revenues and claims, and all the powers, capacities, franchises and immunities which were vested in, or conferred upon, or belonged or appertained to the town of Lynchburg, or to the mayor and commonalty of the town of Lynchburg, by or under any act or acts of the general assembly heretofore passed, and not in conflict with this act. Especially shall it continue to have the power of purchasing and holding estates, real and personal, either for the proper use of said city, or in trust for the benefit of any persons or associations therein, and of granting such estates.

23. All the estates, rights, titles and privileges, and all the funds, Estates, rights, revenues and claims of the city shall be under the care, management, funds, &c. under control of country and control of country the control of country to the country of the control and disposition of the council; and all the corporate powers, ca-cil.

pacities, franchises and immunities of the city shall be exercised by the Powers, &c. concouncil or under its authority, unless it be otherwise expressly provided. council.

24. The council shall have power to have, in or convenient to the city, Lands for comelands, to be appropriated, improved and kept in order as places for the teries, gas or wainterment of the dead, or as places for city grounds, or as places for gas ter works. works, or water works, or the pipes, fixtures and other things connected therewith; and may regulate and charge for the use of ground in said Charges for their places of interment, and the use of light and water. The council shall use. have power to prevent injury to any of said places, pipes, fixtures or regulations to other things, and prevent the water with which citizens are to be sup-protect works. plied from being polluted either in the river or otherwise; and for these Jurisdiction of purposes shall have jurisdiction over the territory of which the court of council. hustings has jurisdiction under the third section.

25. The council may establish schools, and regulate the system of Schools and edueducation therein, and appoint from their own body, or from among the cation. citizens, trustees of such schools; may provide and aid in the support of Libraries, public libraries, to which the citizens may resort; and may establish an Atheneum or athæneum or lyceum for the diffusion of knowledge by lectures or lyceum. otherwise.

26. The council may open or extend, widen or narrow, lay out and Power over graduate, pave and otherwise improve streets and public alleys in the streets. city, and have them properly lighted and kept in order; and they shall have over any street or alley in the city, which has been or may be ceded

to the city, like authority as over other streets and alleys.

27. The council may establish, construct and keep in order, and may Landings, alter or remove landings, wharves and docks on land belonging to the wharves and city, and may lay and collect a reasonable duty on boats coming to and docks. using the same, and may regulate the manner of using other wharves and landings within the corporate limits.

28. The council may prescribe the duties of the surveyor, and regulate Surveyor, his bis compensation or fees of office; and his surveys and acts shall have fees and duties. the like validity and effect as surveys and acts made or done by a sur-

veyor of a county.

29. If any land in the city be subject to be covered by stagnant wa- Stagnant water ter, or if the owner or occupier thereof permit any offensive or unwhole-and offensive subsome substance to remain or accumulate thereon, the council, after giving stances removed. reasonable notice to the owner or occupier in the manner prescribed by chapter one hundred and sixty-seven of the Code of Virginia, may cause such land to be filled up, raised or drained, or such substance to be covered or removed, and may collect the expense of so doing from Owner to pay the owner or occupier in like manner as taxes due from him to the city expense. would be collected.

30. The council may prevent hogs, dogs and other animals from run- Regulations aing at large within the corporate limits, and may subject the same to against animals of the same to against animals are against all age. such regulations and taxes as they may deem proper. They may pro- Regroes not to hibit negroes from raising hogs or keeping dogs within said limits. And keep them. they may prevent the riding or driving of horses or other animals or the prevented. running of steam engines at an improper speed within said limits, or exclude said engines, provided no contract be thereby violated.

31. The council may require spirituous liquors, wine, oil, molasses, Guaging and vinegar and spirits of turpentine in casks, to be gauged and inspected, inspection of and may make provision for the weighing of hay, fodder, oats, shucks, weighing of or other long forage. They may also provide for measuring corn, oats, forage. grain, coal, stone, wood, lumber, boards, potatoes and other articles for articles. sale or barter.

32. The council may require owners or employers of negroes in said Boarding and city to provide them with board and lodging, and may impose penalties lodging negroes. on said owners and employers for failing to make such provision. They Unlawful assemmay declare what in said city shall be an unlawful assembly of negroes, blage of negroes. and may empower their officers of police to enter the place of such assembly and seize such negroes, and may prescribe the punishment of

such negroes, and the fine to be imposed on a person permitting such unlawful assembly on his lot or tenement.

Riots, gaming and tippling.

33. The council may adopt measures to suppress riots, gaming and tippling houses, and upon persons who unlawfully sell by retail wine, ardent spirits or a mixture thereof, may impose fines in addition to those prescribed by the laws of the state. They may also adopt measures to Prevention of indecent or dispersion prevent lewd, indecent or disorderly conduct in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year.

Workhouser, 34. The council may provide work-nouses, nouses, and in what and houses of re- of correction, prescribe for what conduct, for what time, and in what 34. The council may provide work-houses, houses of refuge or houses manner persons may be confined or employed at or in said houses, and may enforce such confinement, and may prescribe discipline for said houses and persons.

Prevention of wooden buildings

35. The council may, on the petition of the owner or owners of not less than two-thirds of the ground in any square of said city, prohibit the erection in such square of any building, or of any addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and provide for the removal of any building or addition which shall be erected contrary to such prohibition, at the expense of the builder or builders, owner or owners thereof.

Power of taxa-

36. For paying the interest and redeeming the principal of loans contracted, and for the execution of any of its powers, the council may tax real property in said city in proportion to its value, which shall be ascertained in such manner as the council may prescribe. They may also tax slaves in the city above the age of twelve years, and such other personal property therein as they may deem proper. They may levy a tax on occupiers of houses and on free male persons in the city above the age of sixteen years, and they may tax a lot adjoining a street on which paving is done, or curbstone put down, (whether on the sidewalk or carriage way.) not exceeding two-thirds of the expense of the curbstone, or paving on that half of the street opposite such lot.

Distress for taxes.

37. The collector of the city taxes may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes; and shall have in other respects like powers to enforce the collection thereof.

Tax to be lien on real estate.

for taxes. Redemption thereof.

Licenses to auctioneers.

Sales at auction regulated.

38. There shall be a lien on real estate for the city taxes assessed thereon from the commencement of the year for which they are assessed. Power to sell real The council may require real estate in the city delinquent for the nonestate delinquent payment of taxes, to be sold for said taxes, with interest thereon, and such per centum as they may prescribe for charges; and they may regulate the terms on which real estate so delinquent may be redeemed.

39. The council may grant or refuse licenses to auctioneers, and require taxes to be paid on their licenses in addition to any tax paid by them to the state; and may regulate sales at auction within the city, and require a per centum to be paid on any such sales, (except sales in the city under the judgment or decree of a court or magistrate of this state.) and may require bond with security for the payment of such per centum.

Tax on theatres and exhibitions.

40. The council may grant or refuse licenses for theatrical performances in a public theatre, or for any public show, exhibition or performance elsewhere, within one mile without and around said city, and may require taxes to be paid on such licenses, and make regulations as to the houses or rooms for any such show, exhibition or performance.

Licenses to carriages, wagons,

41. The council may grant or refuse licenses to the owners or keepers of wagons, drays, carts, hacks and other wheeled carriages, kept or employed in the city for hire, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

Tax on pedlars.

42. The council may grant or refuse licenses to hawkers and pedlars in the city, under such regulations as they may deem proper, and may require taxes to be paid on such licenses.

Licenses to insu-

43. The council may provide that no agent or sub-agent of any inrance companies, surance company or office incorporated or authorized by another state, shall establish or keep any office, or transact the business of his agency

within this city, without obtaining a license therefor, and may require payment of a tax on such liceuse, and of a per centum on the premiums received by such agent or sub-agent, and bond with security for the pay-

ment of such per centum.

44. The council may tax within the city every person who keeps an Licenses to taordinary or house of entertainment, public or private; a public eating verns boarding house or coffee-house; a private negro jail, or a place wherein slaves houses.

are confined and boarded; and may tax every person who is an agent to Negro jaile.

Taxing of other hire or sell slaves for profit; every person who is a dealer in horses or subjects. mules; every person who keeps a livery stable; every broker; every person who sells or barters any patent, specific or quack medicine, and all sellers of spirituous liquors, shop-keepers, merchants, and traders. They may levy taxes on incomes and licenses of persons in the city, in cases not herein otherwise provided for: subject, however, to the proviso in the twenty-fifth section of the fourth article of the constitution.

45. On the petition of one-fourth of the freeholders of the city, the Vote on subscripcouncil may by resolution direct a poll to take the sense of the free-tions to internal holders of the city on the question whether the council on behalf of the city shall subscribe to the stock of a company incorporated for a work of internal improvement in this state, (which or any part of which is to be constructed in or near the city,) an amount not exceeding a certain maximum to be stated in the resolution. The resolution shall designate Regulations a certain time for the poll, not less than one month from its date, and therefor. shall be published for one month in at least two newspapers of the city. At the time designated, commissioners appointed by the council shall, after taking an oath fairly to take and return the poll, proceed in the city, in like manner as commissioners acting under the thirty-eighth and thirty-ninth sections of chapter sixty-one of the Code, proceed in a county, except that the polls, instead of being of freeholders of the county, and at the courthouse of the county and at other places, shall be of freeholders of the city, and at the places at which elections are held in the wards; and instead of being returned to the clerk of the county court, shall be returned to the clerk of the council. If, by the poll-books,

it appear that a majority of the freeholders of the city voting upon the question are in favor of the subscription, the council may subscribe on behalf of the city for stock in said company, to an amount not exceeding

the maximum mentioned in said resolution. 46. The council may, in the name and for the use of the city, contract Power to make loans or cause to be issued certificates of debt or bonds, but such loans, loans. certificates or bonds shall not be irredeemable for a period greater than

thirty-four years. 47. There shall be set apart annually from the accruing revenues of the Annual sinking

city a sum equal to seven per cent. of the city debt existing at the com-fund. mencement of this act. The fund thus set apart shall be called the "Sinking Fund," and shall be applied to the payment of the interest of the city debt, and the principles of such part as may be redeemable. If no part be redeemable, then the residue of the sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of the city, or of this state, or of the United States, or of some of the states of this Union, and applied to the payment of the city debt as it shall become redeemable.

48. Whenever, after the commencement of this act, there shall be Sinking fund to contracted by the city any debt not payable within the next twelve liquidate other months, there shall be set apart, in like manner annually for thirty-four debts. years or until the debt is paid, a sum exceeding by one per cent. the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction; which sum shall be part of the sinking fund, and shall be applied in the manner before directed.

49. The council shall not appropriate any part of the sinking fund or sinking fund not its accruing interest, otherwise than is mentioned in the two preceding to be appropri-

sections, except in time of war, insurrection or invasion.

50. Any claim to a fine or penalty under this act, or under any ordi-Jurisdiction of nance or by-law of the city, if it be limited to an amount not exceeding mayor, recorder twenty dollars, and any other claim against the city or a person therein twenty dollars, and any other claim against the city, or a person therein,

Mayor's court. Who to preside when he is abeent.

if it be not of greater value or amount than fifty dollars, (exclusive of interest,) shall be cognizable by the mayor, recorder, or any alderman of The mayor, or when he is absent from the city, or his office is vacant, the recorder; or if he be absent from the city, or his office vacant, the senior alderman shall sit every day except Sunday, in such place as the council may designate, and take cognizance of such cases as may be brought before him under the laws of the state, and of all cases in which any ordinance or by-law of the city is alleged to have been violated.

Powers, duties and tees of constable.

51. The high constable of the city shall, in civil cases, have the same powers, duties and fees, and be subject to the same penalties as are prescribed by law as to other constables. The said high constable may, Deputy consta. Scribed by law as to other constables. Inc said night constable may, ble, how appoint with the consent of the court of hustings, appoint any person as his ed and removed deputy, of whom the court shall enter of record that he is a man of housesty and good demeanor. Any such deputy may be removed from office by his principal or by the court. During his continuance in office,

Appointment of officers; their powers, duties and pay. Their bonds.

he may discharge any of the official duties of his principal.

52. The council may appoint such officers as they may deem proper, in addition to those hereinbefore provided for; may define the powers and prescribe the duties and compensation of officers so appointed, and may take from any of said officers boud with sureties in such penalty as to the council may seem fit, payable to the city by its corporate name, and conditioned for the faithful discharge of the said duties. All officers

Power of removal.

appointed by the council may be removed from office at its pleasure. 53. The police officers of the city, or such of them as the council may and fees of police. designate for the purpose, shall in criminal cases have the same powers, duties and fees, and be subject to the same penalties that are prescribed by law as to constables; and in proceedings for violations of this act, or of any ordinance or by-law of the city, said officers shall act to such ex-

Powers, duties

tent and in such manner as the council may direct. 54. No person shall be capable of holding at the same time more than one of the offices mentioned in the sixth and seventh sections.

Double offices prohibited.

55. In all courts this act shall be construed as favorably for the city as

atrued favorably the nature of the case will admit of.

Charter to be submitted to voters for ratification.

56. The council shall, at their regular meeting in the month of July next, or as soon thereafter as practicable, appoint a time and place in each ward for opening a poll, and five commissioners for each ward, any two of whom shall at the time and place appointed in their ward open a poll-book, to be headed "The Charter as Revised," and to contain two separate columns: the first column to be headed "For the Revised Charter;" the other to be headed "Against the Revised Charter." the said commissioners shall, in their respective wards, then and there receive and have recorded in said poll-book the votes for and against this

Regulations.

charter, of all persons qualified to vote under the charter now existing, who may offer to vote; and shall ascertain and certify the number of votes given for, and the number of votes given against this revised charter, and cause their certificates with the polls to be delivered to the clerk of the council. The council, upon receiving said certificates and pells, shall ascertain the result of the polls, and forthwith enter upon their journal the aggregate vote for and against the revised charter; and if it appear that a majority of the votes cast is against the revised charter, the proceedings shall thenceforth be as they would have been if this act had not passed. But if it appear that a majority of the votes cast is for the revised charter, then and thenceforth all the other sections of this act shall be in force. 57. All persons who shall, on the adoption of this revised charter, be

Pormer officers, how long to remain in office. Ordinances, how long in force.

in office under the existing charter, shall continue in office until their successors, elected or appointed under this act, shall be qualified. ordinances of the town then in force, so far as consistent herewith, and all liabilities, rights, prosecutions, actions, claims and contracts, shall remain and continue as if this act had not passed.

58. The fifty-sixth section of this act shall be in force from its passage. Commencement.

CEAP. 361.-An ACT providing for the election of certain state and municipal officers in the city of Petersburg.

[Passed April 20, 1852.]

1. Be it enacted by the general assembly, That hereafter the following Officers to be officers for the city of Petersburg shall be elected by the persons in said elected by the vocity qualified to vote for members of the general assembly; that is to ters of Peters. my, the collector of the city taxes, chamberlain, gauger, keeper of the powder magazine, keeper of the hay scales, clerk of the market, and commissioners of streets. All the said officers shall be elected viva voce by the said voters at the times and places, and in the manner hereinafter prescribed, and shall hold their several offices by virtue of such election, and not otherwise.

2. The said officers shall be voted for and elected on the first Monday When and where in May next, and annually thereafter on the same day in each year, at elected. the places in each ward prescribed in the seventeenth section of this act.

3. The said officers shall hold their respective offices for the term of Term of office.

one year.

4. At the time and places aforesaid, the voters aforesaid shall elect a Election of clerks clerk of the hustings court and a clerk for the circuit court of said city, of court, attorney for the commonwealth for each of the said courts respects surveyor and tively, a sergeant, a surveyor, and so many commissioners of the revenue commissioners as may be authorized by law, who shall hold their several offices as fol- of revenue.

The clerks of the said courts and the surveyor, for the term of six office. years; the attorneys for the commonwealth, for the term of four years; and the commissioner or commissioners, and the sergeant of said city, for the term of two years. And an election shall be held at the places aforesaid, on the same day in every sixth year thereafter, for the election of the clerks of the circuit and hustings courts and a surveyor; and on the same day in every fourth year thereafter, for the election of the attorneys for the commonwealth for said courts; and biennially thereafter, for the election of a sergeant and a commissioner or commissioners of the revenue.

5. At the time and place aforesaid, and biennially thereafter, the Constables to be voters aforesaid, shall elect four constables for said city, one to be se-elected. locted from each ward, and to reside therein during his continuance in Where to reside. office, and two bailiffs; but the common council of the said city shall be Bailiffs to be authorized to increase the number of constables in any one or more of elected.

See post, c. 362.

the wards, not altering the manner, time and place of election. The Their terms of term of office of the said officers shall be two years.

 For superintending said elections the common council shall, pre-superintendents views thereto, appoint five persons in each ward as commissioners, any of elections. two or more of whom may act, to superintend the election in such ward; and the said commissioners shall have such powers and perform Their powers such duties as are prescribed by the sixth section of the seventh chapter and duties. of the Code of Virginia, after taking such oath as is prescribed in the Oathe. seventh section of the same chapter: a certificate of which oath shall be returned to the clerk of the council to be preserved in his office. The polls, how open-polls at such election shall be opened and closed in the manner directed ed and closed. in the second section of the said seventh chapter. An officer to conduct Who to conduct the election in each ward shall be appointed by the council, or if the election and how council fail to do so, or the officer appointed fail to attend, by the com-appointed. missioners, under the superintendence of the commissioners. It shall be Their oath. the duty of said officer (after taking the oath prescribed by the tenth section of said chapter, a certificate whereof shall be returned to the clerk of the council) to cause the polls to be opened publicly in the ward Their duty. for which he is appointed; to proclaim and see recorded the votes admitted by the commissioners; to preserve order and remove force. The Poll-keepers and said officer shall employ writers and furnish poll-books, for which the books; their pay. council shall allow compensation out of the city treasury. Each writer Their outh. shall take an oath, to be administered by said officer, faithfully to record the votes, and shall enter the name of each voter in a column under the name of the person voted for. The said votes shall be given as pre-Votes, how given. scribed by the fourth section of the third article of the constitution, but at the time a vote is given the officer shall receive of each voter a paper

or ticket (with his name written on it) which shall specify the names of the persons for whom he votes and for what office.

Poll, how cetified and corrected.

7. After the conclusion of said voting, the correctness of the poll shall be certified by the commissioners superintending the election, and by the officer conducting the same. If a person vote more than once in the same election, all his votes except one shall be stricken from the poll by the officer conducting the elections in the several wards, and the said officers shall attach to the poll a list of the votes stricken therefrom, the reason therefor; and the officers conducting the elections in the several wards shall, in respect to the officers for which an election is held, ascertain and certify the name of each person voted for, and the number of votes given for him.

Council to ascertain who are clected.

8. The certificate of said officers, with the polls and tickets, shall be delivered by them to the clerk of the council; whereupon, the council shall ascertain, and upon their journal enter, what person or persons is or are elected. The person having the highest number of votes for any office shall be declared duly elected; and where two or more persons have an equal number of votes for the same office, the council may decide which of them is elected.

9. The common council shall certify to the court of hustings, and to

Council to certify elections of officers of courts.

the circuit court for the city of Petersburg respectively, the names of the persons elected to the several offices in this act mentioned, who are by law required to qualify in said courts; and thereupon the said persons, so certified to be elected to said offices, shall be allowed to qualify in said How such officers courts respectively as prescribed by law. In all cases in which bonds have been heretofore required by law, the said courts shall require like bonds executed in the same manner.

qualify; their

How long existing officers to

When terms of officers to com-

Officers not spe-

mence.

fied in act, how appointed.

Who eligible to office.

cide. When new elections ordered.

Vacancies, how

filled.

Who to decide when vacancy Other vacancies, how filled.

been elected or appointed for a period which shall not expire before the election herein directed, such person shall hold the same until said election and the qualification of his successor. The official term of officers elected under this act shall commence on the first day of June next ensuing the election. 11. All municipal officers not enumerated in this act shall be appointed

10. If any person now holding any of the foregoing offices shall have

as now provided by the city charter, or at the discretion of the common council, may be made elective by the voters aforesaid, and in the manner herein provided.

12. All persons qualified to vote under this act shall be eligible to any office or place of honor, trust or emolument under the charter of the

city of Petersburg, unless otherwise disqualified. Council judges 13. The common council may pass upon the quantitative of possible of qualifications, voted for, and may prescribe the manner of determining contested and in contested elections to deelections to de
sections to de
lections in cases not specially provided for by this act. If the person the person is a section of the person in cases not specially provided for by this act. If the person the person is a section of the person in cases not specially provided for by this act. If the person is a section of the person is a section of the person in the person in the person is a section of the person in the person in the person is a section of the person in the person in

who shall have received the highest number of votes for an office be

adjudged by the council to be ineligible, or if in the case of a contested election the council decide that neither of the parties to the contest is entitled to the office, it shall in either of said cases order a new election How conducted, to fill the vacancy and prescribe a time therefor. And unless the council otherwise direct, such new election shall be conducted and superintended by the same persons conducting and superintending the pre-

> 14. In case of the death, resignation, removal, nonfeasance, malfeasance or failure to qualify of any of the said officers, in the first and fourth sections of this act mentioned, and of the sergeant during their term of office, the common council may appoint some competent person to the said office, or may order a new election in the manner before

> provided. Two-thirds of the common council may determine what constitutes a case of removal, nonfeasance, malfeasance or failure to qualify. In the event of vacancies arising from any cause in any of the other offices enumerated in this act, the manner of filling the said vacancies shall be the same as may be prescribed by law for filling vacancies in county officers of like kind; and the common council, in the absence of a law providing therefor, shall direct special elections, conforming to the provisions of this act, to fill the same.

15. Every officer whose election is provided for by the first section of Duties, pay and this act shall perform such duties, receive such compensation, execute bonds of notice. such bonds, and be subject to such penalties as are or may be prescribed prescribed. by the common council; and the said common council shall and may have and exercise all such powers and authority over and in relation to such officers and their offices as if this act had not been passed, except only in relation to the appointment of such officers; but it shall not be lawful for the common council to reduce the salary or fees of any such officer during his term of office; and no ordinance or other act of the Provision where common council abolishing any office in said first section mentioned shall office is abolished. effect any right, power orduty of the person then in such office; and if the powers and duties of any of said officers, whether abolished or not, be vested in any other officer whose election is not herein provided for, such other officer shall be elected by the voters of the city in the mauner provided by this act. The power and duties and liabilities of the other Powers, duties officers in this act mentioned shall be the same as are now and may be and liabilities of state officers. hereafter prescribed by law. The hustings court shall have power to Power to remove remove the clerk or attorney for the commonwealth of said court from clerk and attoroffice for malfeasance, misfeasance, or gross neglect of official duty: ney of hustings such removal to be deemed a vacation of the office.

16. In all ordinary and regular elections under this act, it shall be the Notice of time duty of the common council to issue a notice to the voters, setting forth and place of electhe time of holding such election, the place of voting, the hours of cers to be elected. opening and closing the polls, and the officers to be chosen; which notice shall be printed in one or more newspapers of said city at least ten days previous to such election. In all special elections a similar notice of

three days shall be sufficient.

17. If at any time one-fourth of the voters in the city authorized to How change in vote under this act shall by petition express, as to any of the officers the mode of electing officers may mentioned in the first and fourth sections of this act, a desire for a change be made. to enable the council or the court of hustings to appoint one or more of them, the council may by resolution direct a poll to be taken for and against such change, specifying in such resolution the particular office or offices as to which the change is proposed, and whether it is proposed that the appointment thereto shall be by the council or the court. The resolution shall designate a certain time for the poll, not less than one month from its date, and shall be published for one month in one or more newspapers of the city. At the time designated the poll shall be taken, Poll therefor, superintended and conducted at the same places and in like manner as how taken. provided in the electious hereinbefore mentioned. If a majority of the 1f change order votes be in favor of the change proposed, the council shall have the fact ed, how appointentered on their journal, and thenceforth there shall be no new election ment made under the first and fourth sections for the particular office or offices specified in the resolution; but at the expiration of the term for which an election shall have been made to the said office or offices, the same shall be filled by an appointment to be made by the council or the court, according as the one or the other shall have been proposed and voted for.

18. The city of Petersburg, in pursuance of the requisition of the se- Wards of city. cond section of the third article of the constitution, shall be and is hereby laid off into four wards, with the metes and bounds, and designated in the manner set forth in the charter of said city. The places of voting Places of voting. in each ward shall be as follows: In east ward, the Bollingbrook hotel; in South ward, Oaks warehouse; in Centre ward, Friend's hotel; and in west ward, Henry Blankinship's house on High street; but the common council may, upon the petition of fifty voters in any ward, after one

month's notice, change the place of voting therein.

19. At the first election under this act, the officer and commissioners Question of quasuperintending the same in the several wards shall cause a poll to be lifted or free opened to ascertain the sense of the voters qualified to vote for the suffrage to be submayor and common council of the said city, whether the said mayor and council shall not be hereafter elected by the voters qualified to vote for members of the general assembly. The officer conducting the election under the superintendence of the commissioners shall cause two columns for voters to be opened: one headed "Qualified Suffrage," and the other

headed "Free Suffrage." The efficer and commissioners shall ascertain and certify said vote, in the manner prescribed in this act, to the clork of the common council; whereupon, the council shall cause the result of said vote to be entered upon their journal, and the poll to be preserved. If a majority of the reters afgressid shell he in favor of "free suffrage."

How decided.

If a majority of the voters aforesaid shall be in favor of "free suffrage," in all elections thereafter the mayor and common council of said city shall be elected by the voters qualified to vote for members of the general assembly; if a majority of said voters shall be in favor of "qualified suffrage," the said election of mayor and council shall be as now prescribed by law.

Repealing clause.

20. All acts and parts of acts relating to the appointment of the officers whose elections are provided for in this act, now in force, inconsistent therewith, are hereby repealed.

Commencement.

21. This act shall be in force from its passage.

CHAP. 362.—An ACT concerning bailiffs in the city of Petersburg.
[Passed May 18, 1852.]

Powers and duties of bailiffs of Petersburg.

1. Be it enacted by the general assembly, That the bailiffs of the city of Petersburg shall have and exercise the powers and duties of constables, and be subject to all the provisions of the law concerning said officers.

Commencement.

2. This act shall be in force from and after the first of June next.

CHAP. 363.—An ACT authorizing the councils of Norfolk city to change the course of Scott street.

[Passed March 22, 1852.]

Prosmble.

Whereas it is represented to the general assembly of Virginia, that there is an angle at the eastern line of Scott street between Hawk and Upper Union streets in the city of Norfolk, and that by continuing the lines of Scott street at right angles with the above-mentioned streets, said angle will be obviated and the public and individual interests promoted: Therefore,

1. Be it enacted by the general assembly, That the common councils of

Scott street in Norfolk to be altered.

the city of Norfolk may alter the direction of Scott street from its present lines, so as to make it straight from James to Upper Union street, and may convey any portion of the said Scott street in exchange for other lands which they may deem more eligible for the future location of the said Scott street, or any portion thereof, provided owners of lands fronting upon said street, where such alteration is desired to be made, consent thereto.

Proviso.

Commencement. 2. This act shall be in force from its passage.

CHAP. 364.—An ACT to provide for the election of certain officers in the city of Norfolk by the qualified voters thereof.

[Passed May 19, 1852.]

1. Be it enacted by the general assembly, That are election shall be held

Election of clerk of court, when to take place.

in the several wards of the city of Norfolk, on the twenty-fourth day of June next, and on the same day of that month in every sixth year thereafter, to fill the office of clerk of the corporation court of the said city.

On the said twenty-fourth day of June next, and on the same day of that month in every fourth year thereafter, an election shall also be held in the said wards to fill the office of attorney for the commonwealth in the said court.

Election for attorney of court, when.

Municipal officers, when and how elected. 2. On the said twenty-fourth day of June next, and on the same day of that month in each and every year thereafter, an election shall be held in the said wards to fill the following offices in said city, to wit: Register, assessor, collector of city taxes, attorney for the city, inspector of streets, surveyor, captain of the watch, lieutenant of the watch, six constables, clerk of the market, assistant elerk of the market, physician to the alms-house, keeper of the alms-house, keeper of the magazine, weigher of hay, sealer of weights and measures, two inspectors and measurers of wood, gauger and inspector of liquors, and every other in-

spector whose office is created by an ordinance of the said city, and not embraced in the Code.

3. The forty-ninth section of the eighty-eighth chapter of the Code Repeal of 49th \$ of Seth chapter of the Virginia shall be repealed.

4. Whenever the twenty-fourth day of June shall happen to fall on a of Code.

If election fall on Sunday, the said elections shall be held on the twenty-fifth day of the Sunday, when to same mouth; and if the said elections, or any of them, for any cause, be Elections not shall not be held on either of said days, the same shall be held on such made on day fixday as may be appointed by the councils of said city, of which notice ed, when to be. shall be given by publication in at least two of the newspapers then published in said city, not less than five days before the day appointed for such election.

5. At said elections every white male citizen of the commonwealth Right of suffrage. of the age of twenty-one years, residing in the ward at which he offers to vote, and qualified to vote in said city for members of the general assembly, shall have a right to vote and be eligible to any of said offices. Who eligible to The councils of the city shall have power to appoint the place in each place of elections ward for holding the elections, and to change the same from time to time fixed.

as to them may seem expedient.

6. The corporation court of said city shall annually, before the day of Superintendents election, appoint five persons in each ward as commissioners for super- of election, how intending said election, any two or more of whom may act, after taking Their oaths. an oath similar to the oath prescribed by the laws of the state for similar elections, a certificate of which shall be returned and filed in the clerk's office of the corporation court of said city. The commissioners so appointed are hereby authorized and required to superintend the elections to fill other offices in said city, held in the several wards on the same day. The laws of the state, for the time being, in force regulating the Regulations for manner of conducting elections for state officers, shall be observed by elections. said commissioners, as far as the same may be applicable to the elections

herein provided. An officer to conduct said elections in each ward shall who to conduct also be appointed by the said court, or if the court fail to do so, or the elections and person appointed fail to act, by the commissioners. The said officer, un-Their duty der the superintendence and control of said commissioners, shall (after taking an oath similar to the oath prescribed by the laws of Virginia in similar cases, a copy whereof shall be entered and filed with the oath of the commissioners,) cause the polls to be opened publicly for the election in the ward for which he is appointed, proclaim and see recorded

the votes admitted by the commissioners; preserve order, and remove

force. He shall employ such writers, and at such rate of compensation Poll keepers; as the council may direct; or in case of the failure of the councils to di-their pay. rect, such writers, and at such rate of compensation as he shall think fit; and such writers shall respectively take an oath, to be administered by Their oath. such officer, to record the votes faithfully and impartially. He shall furnish to each writer poll-books for those offices as to which such writer Poll-books, how is to record the votes; and the name of each voter shall be recorded in kept.

a column under the name of the person for whom he votes for any of said offices. The votes shall be given in the manner prescribed by the Votes, how given laws of the state in force for the time being; but at the time a vote is given, the officer shall require and receive of each voter a paper or ticket,

with the name of the voter written upon it, which shall specify the names of the persons voted for, and what offices respectively they are voted for.

7. After the names of all the persons offering to vote before sunset of Poll, when closthe day of election shall have been thus entered, the officer shall close ed, and how certhe poll, and immediately afterwards the correctness of the poll shall be certified by the commissioners superintending the election in that ward, and by the officer conducting the same. If a person vote more than How corrected. ence at the same election, all his votes shall be stricken from the poll, upon an examination had as soon as practicable after closing the poll; and a list of the names so stricken from the polls, and the reasons therefor, shall be attached to the said polls. The officer and commissioner Certificate of shall then ascertain, declare and certify what persons have been elected election. in said ward for the several offices; or if an equal number of votes be

names of said persons and the number of votes given for each. Their

Councils to decide election.

certificate shall be delivered to the clerk of the common council, and the councils in joint session shall ascertain and enter upon their journals what persons have been elected to the several offices for filling which the election was held. If two or more persons shall have received an equal number of votes for the same office, which is to be filled by one person only, the councils in a joint meeting shall decide which of them shall be elected. They may also prescribe the manner of determining contested elections for any of the offices provided for in this act. They shall also certify to the corporation court the names of the persons elected to the office of clerk of said court, attorney for the commonwealth therein, sergeant, captain and lieutenant of the watch, and con-

tions regulated. Election of efficers of court. how certified.

Contested elec-

Who to prescribe

stables. 8. The councils of the city shall have power to prescribe the duties, duties, powers and compensation of the register, assessor, collector of city and pay of muni-cipal clicers. taxes, attorney for the city, inspector of streets, surveyor, captain and taxes, attorney for the city, inspector of streets, surveyor, captain and lieutenant of the watch, clerk and assistant clerk of the market. chief engineer of fire department, physician and keeper of the alms-house, keeper of the magazine, weigher of hay, sealer of weights and measures, inspectors and measurers of wood, guager and inspector of

liquors: to prescribe which of them shall give bonds for the faithful discharge of the duties of their offices, how the same shall be given, and to

make all other needful and proper regulations in respect thereto. The

duties, powers, responsibilities and emoluments of the other officers

Their bonds.

Duties, powers and pay of other officers.

Removal of officers.

Vacancies supplied by new clections. Such elections

how conducted. Other vacancies

supplied.

Clerk and attor-

enumerated in the second section shall be as they now are or may hereafter be provided by law or any ordinance of the city not inconsistent therewith. They shall have power in joint session to remove any of the said officers from the office to which he was elected. In such case, or if the person who received the highest number of votes was ineligible in their opinion, or if in the case of a contested election, they decide that neither of the contestants is entitled to the office, they shall, in either of said cases, forthwith order a new election to fill the vacancy, and prescribe the time for holding the same. And unless otherwise directed. the new election shall be conducted and superintended by the same officer and commissioners who conducted and superintended the previous election, and shall be under the like regulations. If during the term for which any person shall have been elected to any of the offices specified in the second section of this act, a vacancy shall occur, otherwise than in either of the cases mentioned in this section, the councils in joint meeting may appoint a person to fill the office during the unexpired term. And if at any time any of the offices included in the second section shall be vacant by reason of no person having been voted for and elected to the same at the last preceding annual election of municipal officers, the councils may in like manner appoint some person to fill such office until the twenty-fourth day of June next ensuing after such appointment.

9. The councils in joint meeting may also remove from office the ney, how remove clerk of the corporation court, or the attorney for the commonwealth in said court, provided a majority of all the justices of said court shall concur in requesting such removal, by a complaint in writing signed by the said number of the justices and presented to said councils, setting forth the charges and grounds of complaint against such officer, and provided reasonable time and opportunity shall be allowed to the officer so complained of, to defend himself against the charges so alleged against him. In case of a removal from office under this section, as well as in any other case of vacancy in the offices specified in the first section of this act, the said councils shall forthwith order a new election to be held for the unexpired term of the vacant office, and appoint the time and place for holding the same.

Term of office of clerk and attornev.

10. The term of office of the clerk of the corporation court shall be six years from and after the day of election specified in the first section of this act. and until his successor is elected and qualified; the term of office of the attorney for the commonwealth of said court shall be four years from and after the day of election specified in the first section of

this act, and until his successor is elected and qualified; and the term of Term of other office of each of the officers specified in the second section of this act officers. shall be one year, and until the election and qualification of a successor

to the office.

11. The duties, powers, responsibilities and emoluments appertaining Duties, powers to the office of clerk of the said corporation court shall be as now or and pay of clerk may hereafter be provided by law. The compensation of the common-of court.

Pay of attorney wealth's attorney for said court shall be ascertained and provided for in of court. the same manner and by the same authority as now or may be hereafter otherwise provided by law or any ordinance of the city of Norfolk not inconsistent therewith.

12. The foregoing sections of this act shall not affect the mode of Officers not speappointment or election to any office in the said city of Norfolk, not cified, how apspecified in the first or second sections of this act. But the councils of Mode of appoint said city may hereafter, upon the petition of one-fourth of the qualified ing officers to voters in said city, direct a poll to be taken, to ascertain the sense of the submitted to voters. qualified voters in said city as to the mode of appointment or election to any of the other offices in said city, whether the same or any one or more of the said offices shall be filled by popular election in the same manner as is hereby provided for filling the offices specified in the second section of this act. Said poll shall be taken at the time and place or Regulations places appointed by the councils, after one month's notice of the time, therefor. place and object of holding such poll shall have been given. And if upon the return of said poll, it appear to the councils that a majority of the voters whose names are recorded on such poll are in favor of filling any one or more of the other offices in said city in the manner provided in this act for filling the offices specified in the second section hereof, the said councils shall so declare, certify and publish, and shall have the fact entered on their journals; and thenceforth the said office or offices designated in such entry shall he filled at the next annual election, as if it were specified in the second section of this act, and so continue to be filled until the mode of filling the same shall be changed by law, or under the provision of the next succeeding section of this act.

13. If at any time hereafter one-fourth of the voters of said city shall How change in by petition express, as to any of the offices mentioned in the first, second mode of effects effected or eleventh sections of this act, a desire for a change to enable the councils of the city or the corporation court of the city to appoint to one or more of said offices, the councils of the city may, by resolution, direct a poll to be taken to ascertain the sense of the qualified voters in said city for and against such change, specifying in said resolution the particular office or offices as to which the change is proposed, and whether it is proposed that the appointment thereto shall thereafter be made by the councils or by the corporation court. The resolution shall designate a Regulations for certain time and place or places for holding the poll, not less than one taking vote of month from its date, and shall be published for at least one month in at least two newspapers of the city. At the time and places designated the poll shall be taken, superintended and conducted by the like officers, and in like manner as the elections hereinbefore mentioned. If a majority of the voters be in favor of the change proposed, the councils shall have that fact entered on their journals, and thenceforth there shall be no new election under the provisions of this act for the particular office or offices specified in the resolution; but at the expiration of the term of office for which the then incumbent or incumbents of said office or offices were elected, the same shall be filled by an appointment to be made by the councils or by the court, according as the one or the other mode shall have been proposed and voted for; and shall so continue to be filled until otherwise provided by law, or some ordinance of the city not inconsistent therewith.

officers effected.

14. At any election hereafter held in said city, no person shall vote where to vote. except at the place appointed for the ward in which he resides. No Not to vote but person shall vote more than once in the same election; and whether one once. or several elections shall be held at the same time and place, after being once polled, he shall not be polled a second time, although he may not. when first polled, have voted in all the elections then being held, or for

Fines and penal as many persons as he might then have voted for. The councils shall Toting.

officers prescribed for wards.

Residents of wards to be elected.

have power to prescribe fines and penalties to prevent voting more than voting.

ouce at any municipal election, and to prevent voting out of the ward

How number of in which the voter resides. In all municipal elections hereafter held in the said city, whenever a number of persons equal to or greater than the number of wards in said city are to be elected to fill the same office, the councils shall previously designate how many persons shall be elected in the several wards to fill such office. Each ward shall separately elect the number so designated for it, and the persons so elected shall at the time of their election be resident in the ward from which they are elected. 15. The council shall also, for the purposes of this act, have power to

Power to change wards.

> as to them may seem expedient: Provided, A majority of all the members of each branch of the councils shall concur in such change: And provided further, That no such change shall be made within twenty days previous to the day of holding any elections for municipal offices. For the purposes of this act, the wards shall be those specified in the act of the present assembly laying off the several cities of the state into wards until the same shall be changed under the provisions of this

> change the number or the boundaries of the wards, from time to time,

Existing wards. See ante, p. 50,

Act to be submitted to voters for ratification.

section. 16. On the fourth Thursday in May eighteen hundred and fifty-two, the commissioners appointed to superintend and conduct the election to be holden on that day in said city for the choice of a commissioner of the revenue, an attorney for the commonwealth in the circuit court, and a clerk of the circuit court, in pursuance of the provisions of an act, entitled "an act providing for the election, qualification, powers, duties and compensation of justices of the peace, clerks of circuit and county courts, attorneys for the commonwealth, sheriffs, commissioners of the revenue, surveyors, constables and overseers of the poor, passed the twenty-second of April eighteen hundred and fifty-two, shall, at the time and place appointed for said election, hold a poll to ascertain the sense of the qualified voters in said city upon the question whether this act shall be accepted or rejected by the said voters. The said poll shall contain two columns, and shall be headed thus: "Shall the act of the general assembly, entitled 'an act to provide for the election of certain officers in the city of Norfolk by the qualified voters thereof,' passed day of eighteen hundred and fifty-two, be accepted or rejected?"

FOR ACCEPTING.

FOR REJECTING.

Return of result. And the commissioners, after having taken the said poll, shall return the same to the clerk of the corporation court of said city, to be filed by him

the result of said poll; one of which certificates shall be delivered to the president of the common council of said city, who shall cause the same to be entered on the journal of the council, and the other shall be delivered to the clerk of said corporation court, who shall record the Provision in case same in his office. If a majority of the qualified voters, whose names act is accepted or shall be recorded on said poll, shall vote for accepting this act, that fact shall be entered on the journal of the common council, and recorded in the clerk's office as aforesaid, and thenceforth all the preceding sections of this act shall be and remain in full force. But if a majority of the said qualified voters, whose names shall be recorded on said poll, shall vote for rejecting this act, that fact shall be entered on the journal of said common council and recorded in the clerk's office as aforesaid, and thenceforth the charter of the said city shall remain as if this act had

in his office; and shall also forthwith make and sign two certificates of

Commencement.

rejected.

not passed. 17. The sixteenth section of this act and the section repealing the forty-ninth section of the eighty-eighth chapter of the Code of Virginia shall be in force from the passage thereof.

CHAP. 365.—An ACT revising and reducing into one act the provisions of the charter of the city of Richmond.

[Passed March 30, 1852.1

Whereas under an act of the general assembly, passed the thirtieth of Preamble. January, eighteen hundred and five, commissioners appointed by the executive of this commonwealth, established what was then deemed a just and reasonable boundary to the city of Richmond, and the said boundary was reported to the council of said city, and under a resolution of the council adopted the nineteenth of February, eighteen hundred and ten, the boundary lines were run by a surveyor, and landmarks placed at the corners and at other convenient places; and afterwards the territory contained within said boundary lines was, under the direction of the corporate authorities of said city, described and marked upon a map prepared by Micajah Bates, dated in eighteen hundred and thirtyfive; and by an act of assembly passed the twenty-first of February, eighteen hundred and forty-two, to revise and amend the charter of the city of Richmond, it was declared that the said territory should be deemed and taken as the city of Richmond: Now,

1. Be it enacted by the general assembly, as follows: That the said ter- Boundaries of ritory within the limits prescribed under the said act of the thirtieth of city of Rich-January, eighteen hundred and five, and described and marked upon the mond. said map prepared by Micajah Bates, shall continue to be the city of Richmond; and the freeholders, housekeepers and inhabitants within Incorporated. said limits, and their successors, shall continue to be a corporation by the name and style of "The City of Richmond;" and the fifty-fourth Chapters of Code and fifty-sixth chapters of the Code of Virginia shall be applicable to applicable to city. the said corporation and the council of said city, so far as may be con-

sistent with this act.

2. There shall continue to be for the said corporation a court which Hustings court, shall be called the "Court of Hustings for the City of Richmond;" and how constituted. the same shall be held by the mayor, recorder and aldermen of said city, or any four or more of them, except where it is otherwise provided.

3. The said court shall continue to have jurisdiction, and the said Its jurisdiction mayor, recorder and aldermen shall continue each to have the powers of a justice of the peace not only within said corporate limits, but also for the space of one mile on the north side of James river without and around said city, and every part thereof, including so much of the said river to low water mark on the shore of the county of Chesterfield, as shall be between two lines drawn due south from the eastern and western terminations of the one mile aforesaid, for matters arising within the same, according to the laws of the commonwealth. And any presentment made in said court by a grand jury, for an offence against said laws committed within the jurisdiction of said court, may be prosecuted in said court in like manner, and like proceedings be had thereon as in the county court of Henrico.

4. There shall be a board called the "Council of the City of Rich-Council of city, mond," which shall be composed of fifteen members, of whom, until the how constituted. council shall otherwise prescribe, five shall be for each ward. Of mem-Number of husbers of said court of hustings other than the mayor, there shall also be tings court. fifteen, of whom, until the council shall otherwise prescribe, there shall

in like manner be five for each ward.

5. The council may grant compensation out of the funds of the city Pay of mayor to the mayor of the city and the other members of the court of hustings. and court.

6. There shall be an election annually in each ward on the first Wed-Elections of counnesday in April, or in case of failure to hold the election on that day, cil, court and city then on such day afterwards as the council may direct; which election in a ward shall be for its members of the council and members of the court of hustings, and for persons to fill, until the next annual election in said ward, the following offices for said city, to wit: Mayor, superin- What officers to tendent of the gas works, superintendent of streets, superintendent of be elected. the water works, register of the water works, assessor, collector of the city taxes, sergeant, high constable, captain of the night watch, manager of the poorhouse, guager and measurer of grain.

Elections for clerk of court, attorney and surterms.

7. At the first election held under the preceding section, there shall be held in like manner an election for the following officers, to wit: A clerk veyor, and their of the hustings court of said city, an attorney for the commonwealth in said court, and a surveyor for said city: and on the same day in every sixth year thereafter, there shall be elected a clerk of said court and a surveyor; and in every fourth year thereafter, there shall be elected an attorney for the commonwealth in said court; and every vacancy occurring in either of the offices enumerated in this section, shall be filled by an election for so much of said term as is unexpired, to be held at such time as shall be directed by the council, and in the manner prescribed in

Vacancies filled.

this act; and in case the vacancy be in the office of clerk, the said hus-Clerk pro tem. when elected. tings court may appoint a clerk pro tempore, who shall discharge the duties until a clerk be elected and qualified.

Who to vote, and who eligible to

office.

8. At such election in a ward, any white male citizen of the commonwealth of the age of twenty-one years, who resides in such ward, and is qualified to vote in the city for members of the general assembly, shall have a right to vote, and be eligible as member of the council or of the court of hustings.

Wards of city; may be altered.

9. For such election, the city shall continue divided (as at present) into three wards, until the council shall lay it off into wards differently The said election shall be held at such place in each or alter the wards. ward as shall have been prescribed by the council; the president or clerk of the council publishing previous to the election notice of the time and place therefor, in two papers of the city for two weeks, or for such other time as the council may direct.

Places of elections in wards. Notice thereof to be given.

10. For superintending said election, the council shall, previous thereto, Superintendents of elections, how appoint five persons in each ward as commissioners, any two or more of whom may act, to superintend the election in such ward; and the said commissioners shall have such powers and perform such duties as are prescribed by the sixth section of the seventh chapter of the Code of Virginia, after taking such oath as is mentioned in the seventh section of that chapter; a certificate of which oath shall be returned to the clerk of the council, to be preserved in his office.

Their powers and duties. Their oath.

appointed.

Poll, how long kept open. Officers to conduct elections, how appointed. Their duties, powers and oath.

An officer to conduct the election in each ward shall be appointed by the council; or if the council fail to do so, or the officer appointed by it fail to attend, by the commissioners. Under the superintendence and control of the commissioners, it shall be the duty of said officer (after taking the eath prescribed by the tenth section of said chapter, a certificate whereof shall be returned to the clerk of the council,) to cause the polls to be opened publicly for the election in the ward for which he is appointed; to proclaim and see recorded the votes admitted by the commissioners; to preserve order and remove force.

officer shall employ such writers, and at such rate of compensation as the council may direct; or in the absence of such direction, such writers, and at such rate as he shall think fit; and they shall, respectively, take

an oath, to be administered by said officer, to record the votes faithfully and impartially. He shall deliver to each writer a poll-book for those

offices as to which such writer is to record the votes; and each writer

shall enter the name of each voter in a column under the name of each

be given as prescribed by the fourth section of the third article of the constitution; but at the time a vote is given the officer shall receive of each voter a paper or ticket, (with his name written on it.) which shall

11. The second section of said chapter shall apply to the poll at such

Poll-keepers; their pay.

Their oath.

Poll-books, how

kept.

votes, how given, person for whom he votes for any of said offices. The said votes shall

Poll, when clostified.

Double votes to be stricken off.

specify the names of the persons for whom he votes, and for what office. 12. After the names of all the persons offering to vote before the time ed, and how cer- for closing the election shall have been thus entered, the officer shall conclude the poll. Immediately on the conclusion thereof, the correctness of the poll shall be certified by the commissioners superintending the election, and by the officer conducting the same. If a person vote more than once in the same election, all his votes except one shall be stricken from the poll.

Who to correct poll

13. This shall be done in an election for members of the council or of the court of hustings, by the officer conducting the election for the ward

in which such election is held; and in the election of other officers, by the officers conducting the elections in the several wards. It shall be done upon an examination of the polls to be had as soon as practicable after they are closed; and the officer or officers shall, at the same time, attach to the poll a list of the votes stricken therefrom, and the reasons therefor.

14. The officer conducting the election in a ward shall then ascertain, Certificate of declare and certify what persons are elected in said ward as members of election of mem the council; or if an equal number of votes be given for persons, of bers of council whom one or more but not all could lawfully be elected, he shall certify the name of each of said persons, and the number of votes given for him. He shall also ascertain and certify the name of each person voted for in such ward as a member of the court of hustings, and the number of votes given for him. And the officers conducting the elec- Of other officers. tions in the several wards shall, in respect to each of the other offices for which an election is held, ascertain and certify the name of each person voted for for such office, and the number of votes given for him.

15. The certificates of said officers, with the polls and tickets, shall Return of poll be delivered by them to the clerk of the council; whereupon, the per-and tickets, to sons appearing by said certificates to be elected in a ward as members of whom made. the council for such ward, shall be entitled, after taking the proper oath, Member of counto sit in the council until the council shall otherwise decide. The council to qualify.

Council to ascercil shall ascertain, and upon their journal enter, what persons are elected tain who are from each ward as members of the court of hustings, and what person clocked. is elected to each of the offices for the city that are mentioned in the

sixth and seventh sections.

16. The council may decide between two or more persons having an Council to decide equal number of votes for the same office, which of them is elected; it elections and may pass upon the qualifications of persons voted for; it may prescribe Contested electhe manner of determining contested elections in cases not specially pro-tions. vided for by this act; it may prescribe the fines to be imposed on per-Penalties for illesons who vote illegally; and in regard to any other question in respect to gal voting. which it directs a poll, it may make such rules and regulations as it may other elections. deem fit.

17. The council shall certify to the court of hustings the names of the Council to certify persons elected from each ward as members of said court; and the elections to court. name of the person elected sergeant, and the name of the person elected constable. high constable; and the said court shall take from such sergeant and Their bond. constable respectively a bond in like manner as if it had appointed them. The council shall cause the several persons elected to be notified of Persons elected, their election; and the persons elected members of the court of hustings how notified. shall elect from among themselves one person as recorder and one as senior addermen, senior alderman of the city, and certify such election to said court. The bow chosen. other persons elected members of said court shall be aldermen of the Aldermen.

18. The members of the council for any ward, who may be in office Howlong counat the time an election is held for their successors, shall continue in office cil and court to until said successors or a majority of them are qualified. The members remain in office. of the court of hustings elected from any ward, who may be in office at the time an election is held for their successors, shall also continue in office until said successors or a majority of them are qualified. And the How long mayor mayor, and all other persons holding offices mentioned in the sixth and and other officers seventh sections, shall (unless sooner removed) continue in office, after their terms of service have expired, until their respective successors are qualified.

19. If the person who shall have received the highest number of votes When council for an office be adjudged by the council to be ineligible, or if in the case may order new of a contested election the council decide that neither of the parties to elections. the contest is entitled to the office for which the election was held, it shall, in either of said cases, order a new election to fill the vacancy, and prescribe the time therefor. And unless the council otherwise direct, How to be consuch new election shall be conducted and superintended by the same ducted. officers who conducted and superintended the previous election, and shall be under the like regulations.

Vacancies, how

20. If during the term for which a person may have been elected to any office herein mentioned, a vacancy occur in said office otherwise than is mentioned in the preceding and seventh sections, such vacancy may be filled by an appointment for so much of said term as is unexpired. Such appointment shall be by the court of hustings, if the vacancy be in the office of sergeant, high constable, recorder, senior alderman or any other alderman, and shall in other cases be by the council. The appointment, if the vacancy be in the office of recorder or senior alderman, shall be from among the other members of the court; if in the office of any other alderman or of a member of the council, from among the voters in the ward for which such member of the council was elected, or in which the number of aldermen is deficient; and if in any other office, from among those who would be eligible thereto, if an elec-

How change in officers effected.

tion were held under any preceding section of this act.
21. If at any time one-fourth of the voters in the city shall, by petimode of electing tion, express as to any of the officers mentioned in the sixth section a desire for a change, to enable the council or the court of hustings to appoint one or more of them, the council may by resolution direct a poll to be taken for and against such change, specifying in such resolution the particular office or offices as to which the change is proposed, and whether it is proposed that the appointment thereto shall be by the council or the court. The resolution shall designate a certain time for

Regulations for polls.

the poll. not less than one mouth from its date, and shall be published for one month in at least two newspapers of the city. At the time designated, the poll shall be taken, superintended and conducted by the same officers, at the same places and in like manner as the elections hereinbefore mentioned. If a majority of the votes be in favor of the change proposed, the council shall have the fact cutered on their iournal, and thenceforth there shall be no new election under the sixth section for the particular office or offices specified in the resolution; but at the expiration of the year for which an election shall have been made to said office or offices, the same shall be filled by an appointment to be made by the council or the court, according as the one or the other shall have been proposed and voted for. 22. The corporation of the city of Richmond shall have all the estates.

Rights and claims of former corpo-ration vested in city.

rights, titles and privileges; all the funds, revenues and claims, and all the powers, capacities, franchises and immunities which were vested in. or conferred upon, or belonged, or appertained to the city of Richmond, or to the mayor, aldermen and commonalty of the city of Richmond, by or under any act or acts of the general assembly heretofore passed, and not in conflict with this act. Especially shall it continue to have the power of purchasing and holding estates, real and personal, either for the proper use of said city, or in trust for the benefit of any persons or associations therein, and of granting such estates.

Power to hold property.

> 23. All the estates, rights, titles and privileges, and all the funds, revenues and claims of the city shall be under the care, management, control and disposition of the council; and all the corporate powers, capacities, franchises and immunities of the city shall be exercised by the council or under its authority, unless it be otherwise expressly provided.

Estates, funds and powers under control of council.

Lands for come 24. The council shall have power to have in or convenient to the teries, public city, lands to be appropriated, improved and kept in order as places for the interment of the land. the interment of the dead, or as places for city grounds, or as places for gas works, or water works, or the pipes, fixtures and other things con-Power to charge nected therewith, and may regulate and charge for the use of ground in for their use. said places of interment, and the use of light and water. The council

water works

To prevent injushall have power to prevent injury to any of said places, pipes, fixtures ries to grounds, works or fixor other things, and prevent the water with which citizens are to be supplied from being polluted either in the river or otherwise; and for these Their jurisdiction. purposes shall have jurisdiction over the territory of which the court of

Trustees of Lan-

hustings has jurisdiction under the third section.

25. The council may, from their own body, or from among the citicasterian school zens, appoint trustees of the Richmond Lancasterian school, and make regulations for the government of the trustees and of the school. may also establish other schools, and regulate the system of education regulate them.

Power to establish schools, and therein; may provide or aid in the support of public libraries, to which Libraries, athesthe citizens may resort; and may establish an atheneum or lyceum for neum or lyceum.

the diffusion of knowledge by lectures or otherwise.

26. The council may open or extend, widen or narrow, lay out and Power over graduate, pave and otherwise improve streets and public alleys in the streets. city, and have them properly lighted and kept in good order; and they shall have over any street or alley in the city which has been or may be ceded to the city, like authority as over other streets and alleys.

27. The council may establish, construct and keep in order, and may Landings, alter or remove laudings, wharves and docks on laud belonging to the wharves and city; and may lay and collect a reasonable duty on vessels coming to and using the same, and may regulate the manner of using other wharves and landings within the corporate limits. They may also appoint port Port wardens. wardens for the port of said city, prescribe their duties and fix their fees or compensation.

28. The council may prescribe the duties of the surveyor, and regulate Surveyor; his his compensation or fees of office; and his surveys and acts shall have duties and fees. the like validity and effect as surveys and acts made or done by a sur-

veyor of a county.

29. If any land in the city be subject to be covered by stagnant water, Stagnant water or if the owner or occupier thereof permit any offensive or unwhole-and off-neive subsome substance to remain or accumulate thereon, the council, after giving reasonable notice to the owner or occupier, in the manner prescribed by chapter one hundred and sixty-seven of the Code of Virginia, may cause such land to be filled up, raised or drained, or such substance to be covered or removed, and may collect the expense of so doing from Expenses, how the owner or occupier in like manner as taxes due from him to the city defrayed. would be collected.

30. The council may prevent hogs, dogs and other animals from run-Regulations

ning at large within the corporate limits, and may subject the same to against animals such regulations and taxes as they deem proper. They may prohibit Regrees not to negroes from raising hogs or keeping dogs within said limits. And they raise hogs or may prevent the riding or driving of horses or other animals, or the run-dogs. ning of steam engines at an improper speed within said limits, or ex-Steam engines. clude said engines, provided no contract be thereby violated.

31. The council may require spirituous liquors, wine, oil, molasses, Guaging and invinegar and spirits of turpentine in casks to be guaged and inspected, specting; weighing for age. and may make such provision for the weighing of hay, fodder, oats, shucks or other long forage as will not be in conflict with the act passed the twenty-second of March, eighteen hundred and forty-seven, to prevent the authorities of said city from laying and collecting a tax upon the bales of hay sent by the farmers of the state to said city. They Measuring grain may also provide for measuring corn, oats, grain, coal, stone, wood, and other articles. lumber, boards, potatoes and other articles for sale or barter.

32. The council may require owners or employers of negroes in said Power to make city to provide them with board and lodging, and may impose penalties owners of neon said owners and employers for failing to make such provision. They lodge them. may declare what in said city shall be an unlawful assemblage of ne-Regulations for groes, and may empower their officers of police to enter the place of blies of negroes. such assembly and seize such negroes, and may prescribe the punishment of such negroes and the fine to be imposed on a person permitting

such an unlawful assembly on his lot or tenement.

33. The council may adopt measures to suppress riots, gaming and suppression of tippling houses; and upon persons who unlawfully sell, by retail, wine, rios, saming and ardent spirits or a mixture thereof, may impose fines in addition to those tippling. prescribed by the laws of the state. They may also adopt measures to Indecent or disprevent lewd, indecent or disorderly conduct in the city, and to expel orderly conduct. therefrom persons guilty of such conduct who shall not have resided therein as much as one year.

of correction, prescribe for what conduct, for what time, and in what and houses of re manner persons may be confined or employed at or in said houses, and fuge and correct may enforce such confinement and may prescribe discipline for said

34. The council may provide work-houses, houses of refuge or houses Work-houses houses and persons.

Prohibition of wooden build-

. 35. The council may on the petition of the owner or owners of not less than two-thirds of the ground in any square of said city, prohibit the erection in such square of any building or of any addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and provide for the removal of any building or addition which shall be erected contrary to such prohibition, at the expense of the builder or builders, owner or owners thereof.

Power of taxa-

36. For paying the interest and redeeming the principal of loans contracted, and for the execution of any of its powers, the council may tax real property in said city in proportion to its value, which shall be ascertained in such manner as the council may prescribe. They may also tax slaves in the city above the age of twelve years, and such other personal property therein as they may deem proper. They may levy tax on occupiers of houses, and on free male persons in the city above the age of sixteen years, and they may tax a lot adjoining a street on which paving is done, or curbstone put down, (whether on the sidewalk or carriage way,) not exceeding two-thirds of the expense of the curb-stone, or paving on that half of the street opposite such lot.

Power to distrain for taxes.

37. The collector of the city taxes may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes; and shall have in other respects like powers to enforce the collection thereof.

Lien for taxes.

38. There shall be a lien on real estate for the city taxes assessed thereon from the commencement of the year for which they are as-Sale of real estate sessed. The council may require real estate in the city, delinquent for the nonpayment of taxes, to be sold for said taxes, with interest thereon, and such per centum as they may prescribe for charges; and they may regulate the terms on which real estate so delinquent may be redeemed.

returned delinquent. How it may be redeemed.

Licenses to auctioncers.

Regulation of sales at auction.

39. The council may grant or refuse licenses to auctioneers, and require taxes to be paid on their licenses in addition to any tax paid by them to the state; and may regulate sales at auction within the city, and require a per centum to be paid on any such sales, (except sales in the city under the judgment or decree of a court or magistrate of this state,) and may require bond with security for the payment of such per contum. 40. The council may grant or refuse licenses for theatrical perform-

Licenses for theatres or shows. Regulations thereon.

ances in a public theatre, or for any public show, exhibition or performance elsewhere, and may require taxes to be paid on such licenses, and make regulations as to the houses or rooms for any such show, exhibition or performance.

Licenses to wagons and car-riages. Regulations thereon.

41. The council may grant or refuse licenses to the owners or keepers of wagons, drays, carts, hacks and other wheeled carriages, kept or employed in the city for hire, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

Licenses to pedlars.

42. The council may grant or refuse licenses to hawkers and pedlars in the city, under such regulations as they may deem proper, and may require taxes to be paid on such licenses.

Licenses to agents of insurance offices.

43. The council may provide that no agent or sub-agent of any insurance company or office incorporated or authorized by another state, shall establish or keep any office or transact the business of his agency within this city without obtaining a license therefor, and may require payment of a tax on such license, and of a per centum on the premiums received by such agent or sub-agent, and bond with security for the payment of such per centum.

Taxes on houses subjects.

44. The council may tax within the city every person who keeps an of entertainment, ordinary or house of entertainment, public or private; a public eatinghouse or coffee-house; a private negro jail or a place wherein slaves are confined and boarded; and may tax every person who is an agent to hire or sell slaves for profit; every person who is a dealer in horses and mules; every person who keeps a livery stable; every broker; every person who sells or barters any patent, specific or quack medicine; and all sellers of spirituous liquors, shop-keepers, merchants and traders. They may levy taxes on incomes, and licenses of persons in the city, in cases not herein otherwise provided for; subject, however, to the provise in

the twenty-fifth section of the fourth article of the constitution.

Taxes on incomes, and other licenses.

45. On the petition of one-fourth of the freeholders of the city, the Subscriptions to council may, by resolution, direct a poll to take the sense of the free-works of imbolders of the city on the question, whether the council, on behalf of the submitted to city, shall subscribe to the stock of a company incorporated for a work people. of internal improvement in this state (which, or any part of which, is to be constructed in or near the city,) an amount not exceeding a certain maximum to be stated in the resolution. The resolution shall designate Regulations a certain time for the poll, not less than one month from its date, and therefor. shall be published for one month in at least two newspapers of the city. At the time designated, commissioners appointed by the council shall, after taking an oath fairly to take and return the poll, proceed in the city in like manner as commissioners acting under the thirty-eighth and. thirty-ninth sections of chapter sixty-one of the Code, proceed in a county, except that the polls, instead of being of freeholders of the county, and at the courthouse of the county and at other places, shall be of freeholders of the city, and at the courthouse of the city and other places at which elections are held in the wards; and instead of being returned to the clerk of the county court, shall be returned to the clerk of the council. If by the poll-books it appear that a majority of the freeholders of the city voting upon the question are in favor of the subscription, the council may subscribe on behalf of the city for stock in said company to an amount not exceeding the maximum mentioned in said resolution.

46. The council may, in the name and for the use of the city, contract Power to make loans, or cause to be issued certificates of debt or bonds; but such loans, loans and borrow certificates or bonds shall not be redeemable for a period greater than money.

thirty-four years.

47. There shall be set apart annually, from the accruing revenues of Annual sinking the city, a sum equal to seven per cent. of the city debt existing at the fund. commencement of this act. The fund thus set apart shall be called the Sinking Fund, and shall be applied to the payment of the interest of the city debt, and the principal of such part as may be redeemable. If How invested. no part be redeemable, then the residue of the sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of the city, or of this state, or of the United States, or of some of the states of this Union, and applied to the payment of the city debt as it shall become redeemable.

48. Whenever after the commencement of this act there shall be con-Sinking fund for tracted by the city any debt not payable within the next twelve months, subsequentdebts. there shall be set apart in like manner annually for thirty-four years, or until the debt is paid, a sum exceeding by one per cont. the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction; which sum shall be part of the sinking fund, and shall

be applied in the manner before directed.

49. The council shall not appropriate any part of the sinking fund or Sinking fund not its accruing interest otherwise than is mentioned in the two preceding to be appropri-

sections, except in time of war, insurrection or invasion.

50. Any claim to a fine or penalty under this act, or under any ordi- Jurisdiction of nance or by-law of the city, if it be limited to an amount not exceeding mayor. twenty dollars, and any other claim against the city or a person therein, if it be not of greater value or amount than fifty dollars, (exclusive of interest.) shall be cognizable by the mayor, recorder, or any alderman of The mayor, or when he is absent from the city, or his office His court; who vacant, the recorder, or if he be absent from the city or his office vacant, to hold it when the senior alderman shall sit every day except Sunday, in such place as the council may designate, and take cognizance of such cases as may be brought before him under the laws of the state, and of all cases in which

any ordinance or by-law of the city is alleged to have been violated.

51. The high constable of the city shall in civil cases have the same Duties, powers powers, duties and fees, and he subject to the same penalties as are prepowers, duties and tess, and he subject to the same penalties as are pre-constable. Henrico shall within the corporate limits execute a warrant issued by a county not such justice of the peace in a civil case, or an execution issued on a judgment in city. obtained on such a warrant. The said high constable may, with the Deputy constables.

consent of the court of hustings, appoint any person as his deputy, of whom the court shall enter of record that he is a man of honesty and good demeanor. Any such deputy may be removed from office by his principal or by the court. During his continuance in office he may discharge any of the official duties of his principal.

What officers council may appoint; their powers, duties and pay.

52. The council may appoint such officers as they may deem proper, in addition to those hereinbefore provided for, and may define the powers and prescribe the duties and compensation, not only of officers so appointed, but also of the superintendents of the streets and gas works, superintendent and register of the water works, assessor and collector of

the city taxes, captain of the night watch, gauger, measurer of grain, Bonds of officers, and manager of the poorhouse; and may take from any of said officers bond with sureties in such penalty as to the council may seem fit, payable to the city by its corporate name, and conditioned for the faithful Power to remove discharge of the said duties. Any of said officers may be removed from office by the council for misconduct or neglect of official duty; and the council may declare when the office of any of them shall become vacant by a failure to qualify. All officers appointed by the council may be removed from office at its pleasure.

Powers, duties and penalties of police, and their Dav.

53. The police officers of the city, or such of them as the council may designate for the purpose, shall, in criminal cases, have the same powers, duties and fees, and be subject to the same penalties that are prescribed by law as to constables. And in proceedings for violations of this act or of any ordinance or by-law of the city, said officers shall act to such extent and in such manner as the council may direct.

Double offices prohibited.

Act to be con-

Charter to be submitted to peoole for ratifica-

Regulations for taking the vote and deciding it.

54. No person shall be capable of holding at the same time more than one of the offices mentioned in the sixth and seventh sections.

55. In all courts this act shall be construed as favorably for the city strued favorably. as the nature of the case will admit of.

56. The persons who, under the third section of the act passed the twenty-ninth of March, eighteen hundred and fifty-one, to amend the charter of the city of Richmond, and for other purposes, shall have been appointed during the present year for each ward, shall, at the place appointed under that section in their ward, open a poll-book on the first Wednesday in April next, to be headed "The Charter as Revised," and to contain two separate columns: the first column to be headed "For the Revised Charter," the other to be headed "Against the Revised Charter;" and the said persons shall in their respective wards then and there receive and have recorded in said poll-book the votes for and against this charter of all persons qualified to vote under the charter now existing, who may offer to vote; and after proceeding in other respects as required by the provisions of the charter of the twenty-first of February eighteen hundred and forty-two, as amended by the said act of the twenty-ninth of March eighteen hundred and fifty-one, so far as those provisions may be applicable, shall ascertain and certify the number of votes given for and the number of votes given against this revised charter, and cause their certificates with the polls to be delivered The council, upon receiving said certificates to the clerk of the council. and polls, shall ascertain the result of the polls, and forthwith enter upon their journal the aggregate vote for and against the revised charter; and if it appear that a majority of the votes cast is against the revised charter, the proceedings shall thenceforth be as they would have been if this act had not passed. But if it appear that a majority of the votes cast is for the revised charter, then the nine persons elected on the first Wednesday of April next from each ward, under the sixth section of the charter of the twenty-first of February eighteen hundred and forty-two, (or a majority of them,) shall elect from among themselves one person as senior alderman, and ten others as aldermen of the city, (distributing the recorder and aldermen equally among the several wards,) and from the residue shall designate five from each ward to be members of the council of the city. And thenceforth all the other sections of this act shall be in force.

57. All persons who shall, on the first Wednesday in April next, be in How long existing officers to re- office under the existing charter, shall continue in office until their sucmain in office.

cessors are qualified. And the persons who, under the existing charter and the preceding section of this act, may, during the present year, be elected recorder and aldermen, or be designated as members of the council, and the persons who, on the said first Wednesday in April, may, under the existing charter, be elected to other offices, shall, after being duly qualified, continue in office until their successors elected or appointed under this act shall be qualified. And all ordinances of the city in How long ordiforce on the said first Wednesday in April, (so far as consistent here-nances, &c. to with.) and all rights, prosecutions, actions, claims and contracts, shall remain in force. remain and continue as if this act had not passed.

58. The fifty-sixth section of this act shall be in force from its passage. 56th section,

CHAP. 366.—An ACT to amend the act, entitled "an act to incorporate the city of Wheeling in Ohio county." [Passed May 28, 1853.]

1. Be it enacted by the general assembly, That the mayor and members Officers of of the council of the city of Wheeling, together with all the officers of Wheeling to be said city, under the ordinances thereof, shall hereafter be annually elected by peofrom among the citizens thereof, qualified to vote for mayor and members of the council, on the same day of the general election held in and for said city; and shall hold their several offices for the term of one year Their term of and until their successors are qualified: Provided nevertheless, That the office. officers appertaining separately to the several wards shall be elected by how elected. the qualified voters of each ward: And provided further, That the coun-Bonds of officers. cil shall by ordinance prescribe the penalty and condition of the official bond to be given by each officer, and shall judge of the sufficiency of every such bond: And provided further, That any citizen of Ohio who eligible as county shall be eligible to the office of sexton of said city.

2. Any of the officers of said city may be removed from office by the How officers may council of said city, two-thirds of the whole number of the council of be removed.

the city concurring in such removal.

3. The council shall have authority to fill any and all vacancies oc-vacancies, how curring in any office of said city from among the citizens of said city filled.

qualified to vote for mayor and members of the council.

4. The power given to the council of said city to condemn any pri-Condemnation of vate property for streets, or alleys, market or burying grounds, or other property for wharves, landpublic purposes, in the forty-sixth section of the act of the general as-ings and docks. sembly, entitled "an act to incorporate the city of Wheeling in Ohio county," passed March eleventh, eighteen hundred and thirty-six, shall be construed to grant to said council the power in like manner to condemn any private property for the purpose of establishing and constructing landings, wharves and docks.

5. If any person assessed with water rent for the use of the water Power to collect from the water works of said city under, by virtue and in pursuance of water rents. the ordinance of said city, shall fail, neglect or refuse to pay the same to

the officer appointed to collect and receive the same, within thirty days after the same shall have become due and payable, the said officer shall have the same power and authority to collect the said water rents as are conferred upon sheriffs for the collection of the state and county taxes by the thirty-sixth chapter of the twelfth title of the Code of Virginia,

and all other laws in relation thereto.

6. All parts of the act, entitled "an act to incorporate the city of Ropealing clause. Wheeling in Ohio county," passed March eleventh, eighteen hundred and thirty-six, and of the act, entitled "an act to amend the act, entitled an act to incorporate the city of Wheeling in Ohio county," passed March ninth, eighteen hundred and thirty-eight, coming within the purview of this act, shall be and the same are hereby repealed : Provided however, That nothing herein contained shall be so construed to extend to or abridge any right or remedy which may have accrued before the passage of this act.

7. This act shall be in force from its passage.

Commencement.

CHAP, 367.—An ACT providing for the election of certain officers by the qualified voters of the city of Williamsburg.

[Passed May 23, 1852.]

Officers of Williamsburg to be elected by the people.

1. Be it enacted by the general assembly, That hereafter the aldermen, sergeant, clerk of the hustings court, commonwealth's attorney, commissioners of the revenue and constable of the city of Williamsburg, shall be elected by the qualified voters of the said city, at such times and in such manner as may be prescribed by law for the election of justices of the peace, sheriffs, county court clerks, commonwealth's attorneys, commissioners of the revenue and constables respectively, of the se-Act to be submit veral counties of the commonwealth: Provided, That on the second Saturday in April of the present year, the sergeaut of the said city shall hold a poll at the courthouse thereof, having given notice of the same to the qualified voters of the city at least one week beforehand, and shall then and there take their votes for and against the provisions of

ted to vote of people.

favor thereof. Commencement. 2. This act shall be in force from its passage.

> CHAP, 358.—An ACT authorizing the mayor and council of the town of Abingdon to construct water works.

this act, and that a majority of the votes taken in such poll shall be in

[Passed March 18, 1852.]

Provision for supplying Abingdon with water.

Power of taxation.

money. Acquisition of land for water

works.

Damages to be paid.

To be used free

1. Be it enacted by the general assembly of Virginia, That the charter of the town of Abingdon be so extended as to authorize the mayor and council thereof to take all needful means for supplying said town with water, and for its protection against the danger of fire. For that purpose they are hereby authorized to make such increase in the taxes of said town, so as not upon the whole to exceed the sum of one thousand Power to borrow dollars per annum, as may be necessary; and to borrow money upon the bonds of the said corporation not exceeding ten thousand dollars.

2. The said mayor and council are hereby authorized to contract and agree with the owners of any land, whether within or without the limits of the said town, for the use or purchase thereof, for the convenient location of cisterns, pipes, water works, or any of the fixtures or appur-Condemnation of tenances necessary therefor; and in case of disagreement, or if the

owner thereof be a feme covert, under age, non compos mentis, out of the state or unknown, the said mayor and council may apply to and obtain from the county court of Washington county a writ of ad quod damnum, directed to the sheriff of said county, commanding him to empannel a jury of twelve freeholders of the county of Washington, no way related to the parties, nor interested in any manner, whose duty it shall be to go upon the land, and being sworn, to ascertain and fix the damages which will accrue to the owner of said land by reason of the location of the said cisterns, pipes, fixtures, or water works thereon, or the passage of said pipes or flutures through the same. The damages assessed shall be certified under the hands and seals of the said jury, and shall be returned by said sheriff to the court of said county and recorded, and shall be paid by said mayor and council to the proprietors of said lands; and when the damages shall have been paid, or secured to be paid, by the said mayor and council, the said land, or the privilege of constructing cisterns and water works, and passing their pipes and fixtures through the same, and of repairing, altering, taking up and relaying them from time to time, shall thereafter be vested in the said mayor Authority to sell and council and their successors in office. And it shall be lawful for the

said mayor and council to sell and dispose of the water which they may have conducted into the said town to the inhabitants thereof, and to other persons in such manner and at such prices as to them shall seem fit for the interest of the said town: Provided, That in case of danger or of cost in case of calamity by fire, it shall be the duty of the said mayor and council, under proper regulations made for the purpose, to allow the free and unrestricted use of said water to the fire company and citizens of said town, to enable them the more readily to extinguish the flames. All the profits arising to the said corporation from the sale of their water shall, after

deducting all necessary expenses and charges, go into the treasury of the

said corporation, for the use and benefit thereof.

3. If any person shall divert, use, apply, or draw off any part of the Penalty for inwater so by the corporation introduced into the said town, without the proper use of water. consent of the said mayor and council first obtained, he shall forfeit and pay the sum of twenty dollars, to and for the use of the said corpora-tion, for every such offence, to be recovered by warrant before any magistrate of the county of Washington, and shall, moreover, be subject to the action or prosecution of the said mayor and council for any further damage which they may have sustained by reason of any such unlawful act.

4. This act shall not take effect until it shall be ratified by a majority Act to be submitof the citizens of Abingdon qualified to vote for mayor and council, ted to voters of after a notice of ten days, published in a newspaper of said town: the time and place of taking such vote to be fixed by the mayor and council.

CHAP. 369.—An ACT authorizing the trustees of Bridgewater in the county of Rockingham to change and extend the corporate limits of said town. [Passed June 1, 1852.]

1. Be it enacted by the general assembly, That the trustees of the town Power to extend of Bridgewater in the county of Rockingham are hereby authorized to limits of Bridgechange and extend the corporate limits of said town: Provided, That Provideds. not more than twenty acres be included within said limits: And provided also, That a majority of all the voters residing within the present limits of said town, and a majority of all those proposed to be included, shall agree to said new limits.

2. The trustees shall open a poll to ascertain the sense of said voters, Poll to be opened, and shall appoint two persons to superintend such election, who shall re- and act submitport the result of the same to the next meeting of the trustees held ted to people.

thereafter.

3. This act shall be in force from its passage.

Commencement.

CHAP. 370.—An ACT incorporating the town of Buckhannon in the county of Upshur.

[Passed May 12, 1852.]

1. Be it enacted by the general assembly of Virginia, That the town of Bounds of Buck-Buckhannen in the county of Upshur, shall be comprised within the fol-hannon town. lowing limits, to wit: Beginning at the mouth of Jawbone run; thence up said run to its fork; thence up a tributary of said run, by Wertenbaker's tanyard, to the land of Henry F. Westfall; thence with said Westfall's line to the foot of Trimble's hill, on the road leading from Buckhannon town to French creek, so as to include two lots owned by C. C. Williams; thence a straight line to Middleton and Farmworth corner on Trimble's line; thence with Middleton's and Farmworth's line to the road leading from Buckhannen town to C. W. McNultz's; thence by D. S. Pinnell's front gate to the Staunton and Parkersburg turnpike road; thence with said road to Finks' run bridge; thence down said run to its mouth; thence up the Buckhannon river to the beginning; and shall be Incorporated. and the same is hereby made a town incorporate by the name of "The Town of Buckhannon;" and by that name shall have and exercise the Powers and repowers conferred upon towns by the fifty-fourth chapter of the Code of strictions. Virginia, and be subject to all the provisions of said chapter of the Code: Provided however, That nothing contained in this act shall be construed Citizens not reo release the citizens of said town from the payment of their share of leased from county levies. all:county levies which have or may be made to meet the present liabilities of the county of Upshur.

2. The officers of said town shall consist of five trustees, who shall Council and sercompose the council, three of whom can act, and a sergeant, who shall geant; their term of office. hold their offices for one year, or until their successors in office are appointed. And that the said sergeant, within the limits of the corpora-Sergeant to act as tion, may act as a constable, and as such may exercise the same powers, constable. His perform the same duties, be entitled to the same fees and compensation, and pay. and subject to the same penalties prescribed in the Code of Virginia in respect to constables of this commonwealth.

When election for council and sergeant to take

Where to be held.

Commencement.

3. The sheriff of the county of Upehur is hereby authorized and required to hold an election at the courthouse of said county on the second Saturday in June next for the offices aforesaid: said election shall be How conducted conducted agreeably to the provisions of the Code aforesaid.

4. An election for the offices aforesaid shall be held at the courthouse of said county on the second Saturday in June annually.

5. This act shall be in force from and after its passage.

CHAP. 371.—An ACT extending the power of the corporate authorities of the town of Charlottesville.

[Passed June 5, 1852.]

Taxes on free nelottesville.

1. Be it enacted by the general assembly of Virginia, That the council groes in jurisdictof the town of Charlottesville be and they are hereby authorized and empowered, in addition to the subjects of taxation, as well as in addition to the amount of taxes now authorized by law, to levy and impose annually a tax on all free negroes, both male and female, over sixteen years of age, whose residence or place of business shall be within the limits of the jurisdiction of said council, as defined by an act, entitled "an act amending and enlarging the corporate authorities of the town of Charlottesville in the county of Albemarle, and for other purposes." and passed the thirty-first day of March eighteen hundred and fifty-one, although such residence or place of business may neither be within the

Tax limited.

legal corporate limits of said town: Provided, That such tax on any individual case shall not in any year exceed the amount of tax which may for said year be levied and imposed by said council on each free white male resident of said town.

Power over free negroes within jurisdiction of town.

2. Be it further enacted, That all the powers which are now vested by the Code of Virginia of eighteen hundred and forty-nine, in the courts of each county of the state, in relation to the regulation and prohibition of the removal or immigration of free negroes into their respective counties, be and hereby are vested in the council of the town of Charlottesville, in relation to the regulation and prohibition of the removal or immigration of free negroes into the limits of the jurisdiction of the council of said town, as well as into the legal corporate limits of said town.

Functions and and aldermen.

3. Be it further enacted, That the fifth section of the act, entitled "an powers of mayor act amending and enlarging the corporate authorities of the town of Charlottesville in the county of Albemarle, and for other purposes," in the following words, to wit: All the powers, privileges, rights and capacities vested in justices of the peace for the county of Albemarle, are hereby vested in the mayor and each one of the aldermen of the town of Charlottesville, so construed as to vest the said mayor and each one of the aldermen of said town with all the functions and powers, and to charge the said mayor and aldermen with like duties within the jurisdiction of the council of said town as now defined by law, whether the same be criminal, civil or otherwise, as are now vested in or required Mayor and alder by law of justices of the peace for the county of Albemarle: Provided, That nothing herein contained shall be so construed as to constitute the of county court, said mayor or either of said aldermen members of the county court of said county of Albemarle.

men not to be constituted part

Bergeant to exercise functions of constables.

4. Be it enacted, That the sergeant, and all the assistant sergeants elected by the council of the town of Charlottesville, and duly qualified according to law, shall, during their continuance in office, exercise and Control of coun- enjoy all the duties, functions and powers of constables: Provided, That cil over sergeant, the council of said town shall at all times have the power, by an ordinance duly enacted, to limit and restrain the said sergeant or assistant sergeants in the exercise and discharge of any functions or powers by this act conferred or enjoined.

Process, execu-tions, &c. issued by mayor and aldermen, where returned and how acted on.

5. Be it further enacted, That all executions, recognizances and all other legal proceedings, whether criminal, civil, or otherwise, which, if issued by, taken or had before any justice of the peace for the county of Albemarle, would be properly returnable to the clerk's office of the county court of Albemarle county, shall, if issued by the mayor or any one of the aldermen of the town of Charlottesville, be returnable in like mannor to the clerk's office of the county court of Albemarle, and shall be subject to and governed by all the laws regulating and governing such or similar process and proceedings, when the same shall be issued by or had before any justice or justices of the peace for the county of Albemarle.

6. This act shall be in force from and after its passage.

Commencement

CHAP. 372.—An ACT to amend the first section of the act passed on the sixth day of March, eighteen hundred and forty-one, entitled "an act to revive and amend an act incorporating the town of Clarkesville in the county of Mecklenburg."

[Passed May 29, 1852.]

1. Be it enacted by the general assembly, That the first section of the Town of Clarkes act passed on the sixth day of March, one thousand eight hundred and ville authorized forty-one, entitled "an act to amend an act, entitled an act to revive and money." amend an act incorporating the town of Clarkesville in the county of Meckleuburg," be amended and re-enacted, so as to read as follows: That the mayor and aldermen of the town of Clarkesville in the county of Meckleuburg, be and they are hereby authorized and empowered, by Question to be and with the advice and consent of a majority of the holders of real submitted to estate in said town of Clarkesville, expressed in town meeting, after ten people. days' public notice of the object, time and place of such meeting, to borrow, on the credit of the corps ration, any sum not exceeding twenty Amount limited. thousand dollars, to be expended on the improvement of the streets How expended. of said town, or such other objects of improvement as may be approved by a majority of the voters aforesaid, under the direction of the mayor and aldermen aforesaid.

2. This act shall be in force from the time when it shall be adopted Act to be submit by a majority of the legally qualified voters of the town of Clarkesville; ted to decision and a poll for the purpose of accepting or rejecting this act shall be of voters. opened in said town on such day in the month of June one thousand eight hundred and fifty-two, as may be designated by the mayor and al-

dermen, and under their direction.

3. Be it further enacted, That it may be lawful for the qualified voters Election of conof the county of Mecklenburg, residing in the town of Clarkesville in stable. said county, to hold an election for a constable, to act as such in said town; which said constable, when elected, shall discharge within the His duties. limits of said town all the duties, and be liable to all the pains and penalties of a constable of the commonwealth; which said election Election, when shall be held on the twenty-sixth day of June next, and in every second to be held. year thereafter, on the same day on which the municipal elections of said town are held, and to be held and conducted by those holding and con-How conducted. ducting said elections.

4. The second section of this act shall be in force from its passage. Commencement.

CHAP. 373.—An ACT concerning the town of Competition in the county of Pittsylvania.

[Passed May :, 1852.]

1. Be it enacted by the general assembly, That the town of Competition Name of town in the county of Pittsylvania shall be henceforth called and known by changed to the name of "Chatham;" and the trustees thereof, and their successors. Chatham. shall have the powers and perform the duties of trustees of the town of Chatham.

2. That the provisions of chapter fifty-four of the Code of Virginia What provisions shall be applicable to and binding upon the trustees and inhabitants of of Code applicasial town of Chatham, as now laid off, or as it may be hereafter ex-

tended.

3. The trustees of said town may extend its limits so as to include Extension of within its corporate boundaries so much of the land adjacent thereto as limits. will be embraced within a rectangular parallelogram, including the present site of said town, not exceeding twelve hundred yards in length, and eight hundred yards in width. And at any time hereafter, the trus-

tees of said town may include within its corporate limits any land adjacent thereto, with the consent of the owners of such land.

· Plat and survey

4. Whenever any addition is made to the corporate limits of said town, by virtue of the third section of this act, the trustees thereof shall cause to be made and recorded, in the manner prescribed in the first section of chapter fifty-four of the Code of Virginia, a survey and plan of said town

Citizens not ex-

5. Nothing in this act shall be construed to exempt the inhabitants of empt from coun the said town of Chatham from the payment of levies that may hereafter be imposed by the county court of Pittsylvania.

Commencement.

6. This act shall be in force from its passage.

CHAP. 374.—An ACT to amend the first and ninth sections of the act passed seventeenth of February eighteen hundred and thirty, incorporating the town of Danville, and the election and qualification of a clerk, attorney for the commonwealth, sergeant and constable for said corporation.

[Passed May 19, 1852.)

Election for mayor, recorder, aldermen and council; when, where and by whom elected. Amended. See post, c. 375.

1. Be it enacted by the general assembly, That the first section of the act passed February seventeenth, eighteen hundred and thirty, entitled "an act to incorporate the town of Danville in the county of Pittsylvania," be and the same is hereby amended and re-enacted, so as to read as follows:

2. It shall be lawfal for the persons authorized to vote for members of the general assembly, who shall have been resident in the town of Danville in the county of Pittsylvania three months next preceding an election, to meet at some convenient place in said town, (of which place of meeting at least ten days previous notice shall be given,) annually, on the second Thursday in June, and elect, by viva voce, thirteen fit and able men, inhabitants of the town, to serve as mayor, recorder, aldermen and common councilmen for said town; and the persons so elected shall, within one week after their election, proceed to choose by viva voce vote, which shall be entered of record, out of their own body, one mayor, one recorder, and four aldermen; and the remaining seven shall be common councilmen, whose several authorities in their several capacities shall continue until a new election shall have taken place, and those elected

Their term of office.

Election of at-

clerk.

shall have qualified. 3. That the said persons, so qualified to vote for members of the genetorney, sergeant, ral assembly, shall, on the said second Thursday of June, annually, elect by viva voce a commonwealth's attorney for the said corporation, a sergeant, a constable, and a clerk of the said corporation court. All the post, c. 375.
When and where said officers shall be elected at the time aforesaid, at the places and for the terms hereinafter provided for, and shall hold their several offices by virtue of said elections, and not otherwise.

Amended. elected.

4. The said attorney for the commonwealth shall hold his office for Amended. See postpc. 375, §. 3. the term of four years; the sergeant of the said corporation and the constable shall hold their respective offices for the term of two years; the clerk of the said corporation court shall hold his office for the term of six years; and at the expiration of said several terms, the places of said officers shall be filled by new elections of the said qualified voters.

Term of office.

eighteen hundred and fifty wo.

When term com. The term of said officers shall commence on the first day of July mences. Commissioners to superintend

duties.

5. The said corporation court shall, previous to said elections, appoint three discreet commissioners to superintend the same, who shall, preelections; their vious to discharging said duties, take the oaths prescribed by the existing laws; select some suitable place for holding said election within the limits of said corporation; publish due notice thereof in some newspaper printed in said town for ten days previous to said elections; and in all

Who to decide elections. Return of eleccases, where there may be an equal number of votes given to two persons for the same office, the said commissioners shall determine by lot to whom they will give the return; shall publish due notice thereof, and make their report, within three days after said elections, to the clerk of the said corporation court.

Vacancies among commissioners supplied.

6. In case of the death, resignation, absence or inability of any one or more of the said commissioners of election, the other commissioner or commissioners shall, on the day of election, appoint other persons to supply such vacancy; and in default of all the said commissioners to act, then and in that case, three other qualified voters taking the oaths

prescribed by law, may perform said duties.

7. In case of the death, resignation, or removal of any of the said Vacancies among officers during their term of office, the common council of said corpora- officers of corpo-tion may appoint some competent person to fill said office during the piled. unexpired term, or may order a new election to be held for said office, in the same manner as provided for by this act, except that if a vacancy occur in the office of clerk or attorney for the commonwealth, said court may proceed to make the appointment for the unexpired term, or order a new election.

8. The corporate rights and privileges of said town shall, in all other Corporate rights respects, conform to the existing laws, except so far as they may conflict and privileges. with the provisions of this act. The officers elected by authority of this act shall, in their qualification, powers and duties, conform to the exist-

9. That before any of the provisions of this act shall be operative in Act to be submitthe said town of Danville, the mayor, recorder and aldermen of said ted to people of town for ratificacorporation shall, ten days previous notice being given, assemble the non-qualified voters of said town authorized to vote for members of the general assembly, and hold an election by said voters to determine whether they accept the provisions of this act: the said poll to be made out in the following form, to wit; "Change"-" No Change." Said elec- Regulations tion shall be conducted by the sergeant of said corporation, under the therefor. supervision of the said mayor, recorder and aldermen, who shall within three days thereafter make a return under their hands and seals to the clerk of said court, to be preserved in his office; and if the corporators accept said act, then the same shall be in full force and virtue; and if rejected, then the rights, powers and duties of said corporators to remain as heretofore.

10. The ninth section of the act aforesaid is also hereby re-enacted Powers and duand amended, so as to read as follows: The sergeant of said corporation ties of sergeant. To collect state shall execute and return all process lawfully directed to him, and shall revenue, moreover be the collector of the state revenue in said town; and as such shall have all the powers, and be subject to all the duties and liabilities of a sheriff, and be entitled to like compensation for his services therein His compensaas is prescribed by the Code of Virginia; and the said sergeant shall tion. give bond with security, to the approved by the mayor and commonalty for the time being, in a sufficient penalty to be prescribed by them, payable to the commonwealth, and conditioned for the faithful discharge of the duties enjoined on him by this act and the by-laws of said corporation; and his securities, his and their executors and administra- Proceedings tors shall be subject to such proceedings by motion or otherwise, before against him for default. the county court of said county, for enforcing the payment over of such taxes, at the suit of the said mayor and commonalty, as is prescribed by the Code of Virginia in proceedings against sheriffs.

CHAP. 375.—An ACT to amend an act, entitled "an act to amend the first and ninth sections of the act passed the seventeenth day of February eighteen hundred and thirty, incorporating the town of Danville, and the election and qualification of a clerk, attorney for the commonwealth, sergeant and constable for said corporation."

[Passed June 5, 1852.]

1. Be it enacted by the general assembly, That the second section of an Election of may act, entitled "an act to amend the first and ninth sections of the act or, recorder, all the country of Etherness sinks and ship and think dermen and passed the seventeenth day of February eighteen hundred and thirty, council; when, incorporating the town of Danville, and the election and qualification of where and by a clerk, attorney for the commonwealth, sergeant and constable for said whom elected. corporation," passed on the nineteenth day of May eighteen hundred and fifty-two, be and the same is hereby amended and re-enacted, so as to read as follows: It shall be lawful for the persons authorized to vote for members of the general assembly, who shall have been resident in the town of Danville in the county of Pittsylvania three months next

I three east 1

preceding an election, to meet at some convenient place in said town (of which place of meeting at least ten days' previous notice shall be given) annually on the third Thursday in July, and elect by viva voce vote thirteen fit and able men, freeholders and inhabitants of the said town, to serve as mayor, recorder, aldermen and common councilmen for said town; and the persons so elected shall, within one week after their election, proceed to choose by viva voce vote, which shall be entered of record, out of their own body, one mayor, one recorder and five aldermen; and the remaining six shall be common councilmen, whose several authorities in their several capacities shall continue until a new election shall have taken place, and those elected shall have been qualified.

Clerk, attorney sergeant and con-stable; when, where and by whom elected.

2. That so much of the third section of said act as authorizes the persons qualified to vote for members of the general assembly to assemble in said town on the second Thursday in June, and annually thereafter by a riva voce vote, elect a clerk, a commonwealth's attorney, sergeant and constable for said corporation, be and the same is hereby amended and re-enacted, so as to read as follows: It shall be lawful for the persons authorized to vote for members of the general assembly to assemble in said town on the third Thursday in July, and by viva roce vote elect a clerk, a commonwealth's attorney, sergeant and constable for said corporation, pursuant to the other provisions of said act, passed the nineteenth day of May eighteen hundred and fifty-two.

Term of offices · Should be fourth. See ante, c. 374.

3. That so much of the fight section of said act as declares that the term of said offices shall commence on the first day of July eighteen hundred and fifty-two, shall be and the same is hereby amended and reenacted, so as to read as follows: The term of the said several offices under this act shall commence on the first day of August eighteen hundred and fifty-two.

Commencement.

4. This act shall be in force from and after the passage thereof.

CHAP. 376.—An ACT incorporating the town of Dayton in the county of Rockingham.

[Passed May 20, 1852.]

incorporated. Corporate

1. Be it enacted by the general assembly, That the town of Dayton in Town of Dayton the county of Rockingham, as the same has been or may hereafter be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Dayton," and by that name shall have and exercise the powers conferred upon towns by the fifty-fourth chapter of the Code of Virginia, and be subject to all the provisions of the said chapter of the Code.

powers. Election of may-

2. The qualified voters of the said town shall annually elect a mayor, seven trustees and a sergeant. 3. The mayor shall be ex officio president of the board of trustees, and shall have jurisdiction concurrent with a justice of the peace, within the limits of the corporation, and especially in the adjudication and enforce-

or, trustees and sergeant.
Jurisdiction of mayor.

> ment of all cases arising under the corporation laws of said town. 4. The elections shall be held on the first Saturday in June, unless

Time for elections.

the board of trustees fix some other day. 5. All acts or parts of acts inconsistent with this act shall be and the

Repealing clause. Commencement.

same are hereby repealed. 6. This act shall be in force from its passage.

CHAP. 377.—An ACT incorporating the town of Edinburg. [Passed May 24, 1852.]

Bounds of town of Edinburg.

1. Be it enacted by the general assembly, That the town of Edinburk in the county of Shenandoah shall be comprised within the following limits, to wit: From the centre of the school-house, or church alley, and the centre of the street or Valley road at the same point, running up and down from said centre with the Valley road three-eighths of a mile, also from said centre to each side line three-sixteenths of a mile, making the entire limits of the town, lengthwise three-lourths of a mile, and in width three-eighths of a mile; and the said town, within the limits

Incorporated.

aforesaid, shall be and the same is hereby made a town corporate by the name of "The Town of Edinburg;" and by that name shall have and Corporate exercise the powers conferred upon towns by the fifty-fourth chapter of powers. the Code of Virginia, and be subject to all the provisions of the said chapter of the Code.

2. The officers of said town shall consist of five trustees, (three of Trustees. whom can act,) who shall compose the council, and shall hold their offices when elected.

for one year, and until their successors shall be appointed. The said and how long. trustees shall be elected annually on the first Saturday in August.

3. Richard Miller, John J. Grandstaff and Peter Belew are hereby Who to hold elecanthorized to hold an election on the first Saturday in August next, for tion, and when. the officers aforesaid, and said election shall be conducted agreeably to the aforesaid chapter of the Code of Virginia.

4. This act shall be in force from its passage.

Commencement.

CHAP. 378.—An ACT incorporating the town of Elizabeth in the county of Wirt.

F [Passed February 17, 1852.]

1. Be it enacted by the general assembly, That the town of Elizabeth in Town of Elizabeth county of Wirt, as the same has heretofore been laid off into lots, beth incorporated streets and alleys, and as the same may be hereafter laid off into lots, See post, c. 379. streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Elizabeth;" and by that name shall Corporate have and exercise the powers conferred upon towns by the fifty-fourth powers. chapter of the Code of Virginia.

2. The officers of said town shall consist of five trustees, who shall Trustees and

compose the council, (any three of whom can act,) and a sergeant.

3. S. F. Cox and William H. Smith, or either of them, are hereby who to holdelee. authorized to hold an election, agreeably to the chapter aforesaid, for said tion, and when. officers, on the first Monday in May next; and annually thereafter an election shall be held in conformity to the said fifty-fourth chapter of the Code of Virginia.

4. This act shall be in force from its passage.

Commencement.

CHAP. 379.—An ACT amending the charter of Elizabethtown. [Passed May 29, 1852.]

1. Be it enacted by the general assembly of Virginia, That the charters Elizabethtown of Elizabethtown and its additions, as laid off into streets and alleys, or incorporated. as may be hereafter laid off into squares, lots, streets and alleys, under the act of February seventeenth, eighteen hundred and thirty, and the acts amending said act, be and the same is hereby created a body corporate under the name of "The Mayor and Common Council of the Town of Elizabeth;" and as such shall have perpetual succession, the right to Corporate sue and be sued, and subject to the fifty-fourth chapter of the Code of powers. Virginia, so far as the same is not inconsistent with the provisions of this act.

2. Be it further enacted, That the residents of said town, qualified to Mayor, council vote for members of the general assembly, shall assemble at the court-and aldermen; when, where said house of Marshall county in said town, on the first Monday in May next, by whomelected. and annually thereafter, and elect a mayor, twelve councilmen and two aldermen, who shall hold their offices for one year, and until their suc- Their term of cessors shall be qualified; and each of whom, before entering on the du-office and qualities of his office, shall take an oath before some justice of the peace for fication. said county, faithfully to execute the same.

3. Be it further enacted, That said common council, or a majority of whores and them, shall have power, in addition to that conferred on them in section landings. seventeen of chapter fifty-fourth of the Code of Virginia, to erect and construct wharves and landings within said town; prescribing the wharf- wharfage fees. age or tax to be paid by all persons using the same, and make rules and

regulations, and provide for the collection of the same.

4. Be it further enacted, That the aldermen of said town shall be ex Jurisdiction and officio justices of the peace, with power to hear and determine all cases, powers of aldercognizable by justices of the peace, arising within the limits of said

town.

Residents of town not to work county roads.

5. Be it further enacted, That the residents of said town shall not hereafter be liable to work the roads of Marshall county outside the limits of said corporation. And the court of Marshall county shall not hereafter have power to lay off said town into road precincts, or any part thereof.

Limits of town extended.

6. Be it further enacted, That the limits of said town be so extended as to embrace all the land within the following boundaries, to wit: Beginning at the point where Wheeling or West street intersects Mound street; thence south to the southern line of the land owned by the heirs of Jesse Tomlinson; thence with said line to the Ohio river; thence up said river to Mound street; thence with said street to the beginning. Unimproved pro. But said addition shall not be taxed as town property until actually laid off into lots, squares, streets and alleys, and sold as such by the proprie-

perty not to be tors thereof, or improved, by being enclosed and built upon.

> CHAP. 380.—An ACT to amend the act passed on the 26th of February 1833, entitled "an act to prescribe the mode of electing trustees for the town of Farmville in the county of Prince Edward, and vesting them with corporate powers."

> > [Passed May 29, 1852.]

Town of Farmville incorporated.

1. Be it enacted by the general assembly, That the act passed on the twenty-seventh day of February eighteen hundred and thiriy-three, entitled "an act to prescribe the mode of electing trustees for the town of Farmville in the county of Prince Edward, and vesting them with corporate powers," be and the same is hereby re-enacted and amended, so as with the amendments to read as follows: That the town of Farmville in the county of Prince Edward, as the same has been heretofore laid off into lots, streets and alleys, and as the same may be hereafter further laid off and extended into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name and style of "The Town of Farmville in the County of Prince Edward;" and by that name and style shall have and exercise the powers hereinafter granted. 2. That for the better government and well ordering the affairs of

Officers of town

when, where and said town, it shall be lawful for the residents thereof, qualified to vote for by whom elected. all officers elective by the people under the constitution of this commonwealth, to meet annually on the second Monday in June, at some convenient place in said town, (of which place of meeting at least ten days' previous notice shall be given.) and then and there nominate and elect. by viva voce vote, the following officers; that is to say, nine trustees, one sergeant, one commissioner of the revenue, and one keeper of the public scales of said town. Each of said officers shall have the qualifications required by the constitution of this state for any elective office therein, and shall, when elected, have the powers, perform the duties, and be subject to the liabilities and responsibilities prescribed by this act and the by-laws and ordinances of said town.

Qualification, powers, duties officers.

Oath of office.

3. The persons so elected shall, before they enter upon the duties of their offices, respectively take an oath, or make solemn affirmation before some justice of the peace of the county of Prince Edward, well and truly, faithfully and impartially to do, execute and perform the duties of their several offices, according to the best of their skill and judgment.

Annual election

4. That should it so happen that an election of officers, as above not taking place, named, be not made at the time prescribed for an annual election, then when to be made, such election may be had, upon ten days' public notice (given by any two or more freeholders or housekeepers of said town) of the time and place of election; and if no election be made at the time prescribed for an annual election, or in manner aforesaid, then the same officers last elected shall remain in office until the next succeeding time, as above prescribed for an annual election, or until a new election shall be had.

By whom first election to be conducted. Election, when and where.

5. For the first election of said officers, Joseph E. Venable, Stephen O. Southall and William H. H. Thackston are hereby appointed commissioners to superintend the same in the said town of Farmville; and they are hereby authorized and required to attend, on the second Monday in June next, in said town, and conduct the said election of officers, at such place therein as they may appoint, having given public notice thereof ten days previous to the said time of election; and they, the said commissioners, shall declare who are duly elected to the said offices. And thereafter it shall be the duty of the trustees of said town, for the Who to superintime being, to appoint annually, at least one month before the second tend annual elec-Monday in June, three commissioners to superintend the election of the aforesaid officers. And in case any two or more persons nominated and who to decide voted for in the said election (and not being elected) shall have an equal elections. number of votes, and proclamation having been made that the election is closing, and no more voters appearing for the space of one hour, (provided it be before sunset,) the said commissioners, or any two of Certificate of them, shall determine and say which of the persons voted for as afore-election. said shall be returned elected, and shall so certify the same to the clerk, if any, or senior trustee, or other person appointed to receive and preserve the papers and records of said town: such certificate to be filed and preserved by such clerk, if any, or other person appointed as afore-

6. That the said trustees shall, within ten days after their election, President of proceed to choose out of their own body one person to preside at their trustees. meetings, and give the casting vote at any legal meeting of said trus-

tees whenever they are equally divided.

7. That the presiding trustee, or any two of said trustees, shall have Meetings, how power to summon a meeting of said trustees as often as occasion may summoned and require; which meeting shall be composed of five members at least, including the president, or in his absence, a president pro tempore, elected by any four of said trustees who may be present; and all questions before a meeting of said trustees shall be decided by a majority of the trustees present, each having one vote, except the person who presides,

who shall vote only when the others are equally divided.

out of said nine trustees, three persons who shall be and are hereby (when so elected with that view) declared to be constituted and invested with the powers and authority of justices of the peace within the corporate limits of said town, to have and to exercise the like jurisdiction in all cases whatsoever originating within said limits, as the justices of the county courts within this commonwealth now have, but acting upon and under the by-laws and ordinances of said town, (not contrary to the laws of this state or of the United States,) whether sitting singly or assisted by one other, or all three of said justices sitting together, but in accordance with the general laws of the land, particularly such as concern the duties and powers of justices of the peace. And it is hereby made the duty of said justices, and each of them, to suppress all disturbances, riots and disorderly conduct within the bounds of said town. The said justices shall also have power to issue process, hear and determine all prosecutions, cases and controversies arising under the by-laws and ordinances of the corporation; to impose fines when authorized by said by-laws and ordinances, and issue execution for their collection,

taken by law from judgments of a single justice of the peace. 9. The sergeant of said town is hereby authorized and required to sergeant's duty. execute the judgments, orders and lawful mandates of said justices, or either of them.

10. That the trustees of said town shall have power and authority to Markets, streets, establish markets and regulate the same; to improve the streets, walks fire companies. and alleys of said town; to provide against and prevent accidents by fire, and for that purpose to establish and organize fire companies, and purchase engines; to prevent and punish, by reasonable fines, the prac-Other corporate tice of firing guns and running horses in said town; to license and regu-powers. late shows and other public exhibitions, and the same to tax in such reasonable manner and extent as they may deem expedient; to appoint all Appointment of such officers as may be necessary for conducting the affairs of said town, officers. not otherwise provided for by this act, and to allow them such compen- Their pay.

8. That the said board of trustees, in general meeting, shall be and Jurisdiction and they are hereby invested with full power and authority to elect annually powers of trus-

saving to the parties the right of appeal to the county court of Prince Edward. In all cases whatsoever, wherein the fine or other matter or Appeals. thing shall exceed the sum of five dollars, appeals shall be taken in the same time and manner, and upon the same terms that appeals are now

By-laws.

sation as they may deem reasonable; and finally, to make all such bylaws, rules and regulations (not inconsistent with the constitution and laws of this state or of the United States) as they may deem necessary and proper for the good government of said town, and the same to enforce by reasonable fines and penalties, not exceeding for any offence the sum of ten dollars, to be recovered, with costs, in the name of the president and trustees aforesaid, before any justice of the peace of said town, and to be applied, when collected, by the said trustees in aid of the taxes imposed upon said town.

Power to lay and seess taxes.

11. That the said trustees, thus elected and constituted, shall have power to assess and collect an annual tax within the said town, for the purposes before mentioned, on all such property as is now subjected to taxation by the vevenue laws of this commonwealth: Provided, That the tax on real estate shall not exceed in any one year fifty cents on every hundred dollars value thereof, and one dollar on each tithable within said town: And provided also, That the tax to be imposed on all other property and inhabitants of said town, subject to taxation aforesaid, shall not exceed the taxes on the like subjects, imposed by the revenue laws of this common realth, unless such excess shall have been authorized by a majority of the inhabitants of said town qualified to Water to be con-vote for trustees thereof. And moreover, it shall be competent to said

ducted into town trustees to conduct and distribute water into and through said town, upon the request or assent of a majority of the qualified voters thereof: such request or assent to be ascertained in such manner as said trustees may deem best calculated to obtain a full expression of opinion on the subject. 12. That the sergeant of said town shall have and possess the like

Powers of sergeant.

right of distress and powers in collecting the said taxes, service and return of all process arising under the authority of this act, or of any bylaw made in pursuance hereof, and shall be entitled to the same or like fees and commissions as are allowed by law to constables for similar duties and services. Said sergeant shall execute to the said president and trustees, for the time being, bond with approved security. in such penalty as they shall deem necessary, payable to them and their successors in office, conditioned for the faithful discharge of his duties and payment over of said taxes and other moneys by him collected in virtue of his

His bond.

him.

Remedy against office. And he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, before the court of the county of Prince Edward, for enforcing payment of such taxes and other moneys by him collected, at the suit of the said president and trustees, or other person entitled, as collectors of county levies are by law subject to for enforcing payment of the levies by them collected.

Removal of officers. Vacanoies filled

13. That in case of the misconduct of any officer of said town appointed by the trustees under the authority of this act, they, the said trustees, shall have power to remove the offeuder, and supply the vacancy thereby occasioned. And in case of a vacancy in the office of trustee, sergeant, commissioner of the revenue, or keeper of the public scales of said town, such vacancy shall be filled within thirty days by an election, as in the first instance, made by the qualified voters of said town.

Who liable to taxation.

14. And in order the better to determine what persons are liable to taxation in said town, it is hereby declared that all persons liable to taxation as hereinbefore provided, and residing in said town, annually, on the first day of April, shall be subject to taxation the then current year.

Fines and funds at disposal of trustees.

15. That all fines, penalties and amercements, and all other moneys received or raised by virtue of this act, or any by-law in pursuance of this act, and not otherwise directed to be applied, shall be at the disposal of the president and trustees, for the use and benefit of said town.

16. That the male tithables of the said town of Farmville, subject to

Working on

streets and roads. work upon highways by the laws of this commonwealth, shall be divided into two equal parts: one part, being one-half of the whole number, shall be assigned by them to work upon, repair and keep in good order the streets and alleys of said town, and the other part, being the other half of the whole number of said tithables, shall be left at the disposal. and subject to the county authorities of Prince Edward county, to work on the reads in the vicinity of said town as heretofore, or as they may be required by said county authorities, under the laws of this common-

17. That in all suits or prosecutions arising under any by-law, rule or Appeals from deregulation made by the president and trustees of the said town, in man-cisions of juster aforesaid, when the constitutionality or validity of such by-law, rule or regulation shall be centested, appeals shall lie from the judgment of any justice of the peace of the said town to the circuit superior court of law and chancery for the county of Prince Edward, without regard to the sum or amount in controversy. Such appeals shall be taken When and on within the same time and upon the same terms as are prescribed by what terms to be law for taking appeals from the judgments of justices of the peace to the several county and corporation courts within this commonwealth; and the said circuit superior court of law and chancery shall try and How to be tried. decide such appeals in the same manner as the several county and corporation courts within this commonwealth are by law directed to try appeals from the judgments of justices of the peace; and judgments of the said circuit court, rendered upon such appeals, shall be executed as

other judgments of the said court are executed.

18. That the act passed on the twentieth day of March one thousand Repealing clause. eight hundred and forty-seven, entitled "an act to amend the act incorporating the town of Farmville in the county of Prince Edward," be, and the same is hereby repealed.

19. This act shall be in force from its passage.

Commencement

CHAP. 381.—An ACT incorporating the Fincastle water company. [Passed May 22, 1852.]

1. Be it enacted by the general assembly, That James McDowell, Fincastle water Thomas C. Lancaster, Alexander Gibson, James W. Grant and Lewis company incorBrugh, and such other persons as may hereafter be associated with them, porated. shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Fincastle Water Company;" and by this name and style may hold real estate in or near the town of Corporate Fincastle in the county of Botetourt, not exceeding fifty acres, and per-powers. sonal property, for the purpose of conducting water into said town as hereinafter provided; and shall enjoy all the rights, powers and privileges, and be subject to all the rules, regulations and restrictions conferred and imposed by the Code of Virginia on chartered companies, net inconsistent with this act.

2. The capital of said company shall not be less than one thousand Capital. nor more than five thousand dollars, to be raised by subscription in shares of five dollars each; for which purpose books of subscription shall be Subscriptions, opened in said town or elsewhere, under the direction of the persons how and by mentioned in the first section of this act, or any three of them, who, so whom taken. soon as the first mentioned sum shall have been subscribed for, shall call Meeting of suba meeting of the subscribers by advertisement for two weeks in some scribers newspaper published in said town. And it shall be lawful for the trus- Subscription by tees of said town to subscribe, on behalf of the corporation of said town. town, for such number of shares as shall not exceed in amount the sum of two thousand dollars: Provided, That three-fifths of the legal voters of said town, upon a vote to be taken, shall consent thereto: And pro- Vote of town. vided further, That the trustees of said town shall not, by their proxy or otherwise, at any meeting of the stockholders of said company, cast a larger vote than in proportion to the amount subscribed by said corporation.

3. For the managing the affairs of said company there shall be chosen, Directors, how at the first general meeting of the stockholders, to be called as aforesaid, and when chosen. and on the first Monday in May of every year thereafter, seven directors, who shall be stockholders in said company; in which election and in all votes of memother meetings, the private stockholders shall be entitled to one vote for bers.

Election of president. Powers of president and direc-

every share held by them respectively, and may vote, in person or by proxy, in such manner as may be from time to time prescribed in general The said directors, or a majority of them, may elect a presimeeting. dent, and in his absence, a president pro tempore. They shall have power to call general meetings of stockholders; supply vacancies in their own body; appoint such officers, agents and clerks as the stockholders in general meeting shall authorize; take bonds with sufficient security for the good conduct, fidelity and attention of such officers, agents or clerks; and do all other acts and things touching the affairs of the company, and not otherwise provided for.

Term of office of directors.

4. If there should be no election of directors at any annual meeting as hereinbefore prescribed, the president and directors then in office shall continue until the next annual election, or until an earlier election by the stockholders in general meeting, at which a majority of the stock shall be represented.

Stock deemed

5. The stock of said company shall be deemed personal estate, and personal estate, pass as such to the representatives of each stockholder, and may be transferred and certificates thereof issued in such manner and form as the stockholders in general meeting shall direct: Provided, That nothing herein contained shall be so construed as to prevent the said company from selling and conveying any part of the said real estate, as they are hereby authorized to acquire and hold, or the said land and appurtenances, when sold, from being considered real estate.

6. It shall be lawful for the said president and directors, at any time

Real estate, how disposed of.

Power to pur-chase land or water privileges.

hereafter, to contract and agree with the owners of any land or water privileges, for the use or purchase thereof, whether the same be situated within or without the limits of said town, if the use or possession of said land or water privileges be advisable for the location of reservoirs, pipes, conduits, water works, or any of the fixtures or appurtenances necessary therefor. And the county court of Botetourt county, the justices having been summoned for that purpose, and a majority thereof being present and assenting, is hereby authorized to allow the said company to use the public grounds upon which the courthouse is erected, for the purposes of a reservoir, laying down pipes, et cetera, upon such terms as may be agreed upon by the president and directors of said com-

pany and the said county court.

Use of public grounds of county granted.

Condemnation of land.

7. In case of disagreement, or if the owner of such land or water privileges be a feme covert, under age, non compos mentis, out of the state or unknown, the said president and directors may apply to and obtain from the county court of such county, in which such lands or water privileges are situated, a writ of ad quod damnum, (which it shall be the duty of said court, upon application, to award,) directed to the sheriff of said county, no way related to the parties, or in any manner interested, whose duty it shall be to go upon the premises, and being sworn, to ascertain and fix the damages which shall accrue to the owner of said land or water privileges by reason of the location of said reservoirs, pipes, conduits or water works thereon, or the use of said water privileges, or the passage of said conduits, pipes or other fixtures through said land. mages assessed shall be certified, under the hands and seals of the said jury, and by the said sheriffs shall be returned to the court of said county and recorded, and shall be paid by the president and directors to the proprietors of the said land or water privileges: and when the said damages shall be paid or secured to be paid by the said president and directors, the said land or water privileges, or the privileges of constructing and maintaining reservoirs and other water works, and passing their pipes, conduits and fixtures through the same, and of repairing, altering, taking up and laying them down again from time to time; and the use of said water privileges shall thereafter be vested in the said president and

Damages, when

Power to open

directors, and their successors in office. 8. The said company shall be authorized to open the streets, lanes, alleys and public squares in said town, for the purpose of laying pipes for distributing water: Provided, That when the same shall be opened for that purpose, they shall, as soon as practicable, be repaired by the

said company, at their own cost and expense, subject to the approval of the superintendent of police of said town, or the common council thereof.

9. It shall be lawful for the said president and directors to sell and Power to dispose dispose of the water, which they may have conducted into said town, to of water. the inhabitants thereof, and to other persons, in such manner and at such prices as to them from time to time shall seem expedient for the interest of said company: Provided however, That in case of calamity by fire, it Regulations for shall be the duty of said company, their officers and agents, under proper use of water at rules and regulations made for the purpose, without hesitation, to throw fires. open and make easy of access any reservoirs, water plugs, hydrants or other fixtures containing or affording a supply of water, for the purpose of enabling the citizens of said town, fire companies or others, the more readily to extinguish the flames, free of any fee, charge or demand whatsoever; and all the profits accruing to said company from the sale of their Dividends. said water shall, after deducting all necessary expenses, be divided among the said stockholders in proportion to the amount of stock owned by them respectively, at such times as shall be agreed upon by said company, in legal meeting assembled.

10. If any subscriber shall fail to pay the amount subscribed by him Remedy against at the time prescribed by the president and directors, it shall be lawful delinquent subfor the said company to recover the amount which shall be so due, by action of debt in any court of record within this commonwealth, or before a justice of the peace; and such delinquent shall receive no dividend until the amount so due upon his subscription shall have been paid.

11. If any person shall divert, use, apply or draw off any part of the Penalty for using water so by said company introduced into said town, without the coning works, &c. sent of said company first obtained, or shall willfully do or cause to be done any act whatever, whereby any of the works or fixtures of said company shall be obstructed, injured or destroyed, the person or persons so offending shall be subject to a penalty of not less than ten nor more than twenty dollars for each and every such offence, to be recovered by How recoverwarrant before the mayor of said town, or any justice of the peace of able. the county in which said offence shall have been committed: one-half to be paid to the informer, and the other half to the treasurer of said town, for its own use; and shall moreover forfeit and pay to said company double the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, by action in any court of record in this state: and if said company, their officers Penalty for refusor agents shall refuse to permit the free use of said water in case of any ing water at fires. building in said town being on fire, they shall be subject to the action of the party injured by such refusal, and shall pay such damages as a jury

12. The common council of said town shall have power to pass ordi- Power of council mances for the protection from injury, by adequate penalties, not exceed- to protect works. ing twenty dollars in any one case, of the works and property of said

13. If the said company shall not be organized, by the appointment When company of a president and directors, within five years from the passage of this to be organized. act, then all its provisions shall be null and void.

14. This act shall be in force from its passage.

Sommencement.

CHAP. 382.-An ACT amending an act. entitled "an act extending the corporate limits of the tewn of Fredericksburg," passed March 28th, 1≍51, so as to define with more certainty the extended boundaries thereof.

[Passed May 7, 1852.]

1. Be it enacted by the general assembly, That the first section of the Repealing chase. act, entitled "an act extending the corporate limits of the town of Frederickshurg," passed March the twenty eighth, eighteen hundred and fifty-one, shall be and the same is hereby repealed, and the following substituted therefor.

2. The corporate limits of the town of Frederickshurg in the county Limits of Fredeof Spotsylvania, as heretofore established by law, shall be and the same ricksburg exare hereby extended and enlarged, so as to include within the same so tended. much land as lies within the boundary line particularly set out and de-

scribed by metes and bounds, bearings and distances in a survey and plat made by William Slaughter, dated the tenth day of December eighteen hundred and fifty, and heretofore deposited in the clerk's office of the corporation court of the said town. By the said plat the said town, as enlarged by the act of seventeen hundred and fifty-nine, is described by the letters E, F, G, H; the line hereby adopted and made the boundary line of said town by this act, is described by the letters A, B, C, D. The said plat is to be filed in the clerk's office of the corporation court of Fredericksburg, and shall be held as evidence of the boundary of said town as hereby extended and enlarged. And the said land so taken into the limits, and included within the boundaries of said town, shall be and the same is hereby made a part of the town of Fredericksburg, and subject to the same by-laws, rules and regulations, as if the same had been included within the original limits thereof, and shall be subject to the provisions and enactments of all such acts of the general assembly of

Auhject to bylaws and state laws.

Commencement.

CHAP. 383.—An ACT authorizing the people of the town of Fredericksburg to elect a mayor and other officers, and prescribing regulations for the government of the town.

Virginia as have from time to time been passed for and concerning the said town and its inhabitants since the same was established as a town.

3. This act shall be in force from its passage.

[Passed May 17, 1852.] 1. Be it enacted by the general assembly, That the white inhabitants of

Town of Fredericksburg incorporated.

the town of Fredericksburg in the county of Spotsylvania, as established and enlarged by several acts of the general assembly heretofore passed, and their successors, shall, on and after the second Monday in March next, be a corporation by the name of "The Town of Fredericksburg;" and the fifty-fourth and fifty-sixth chapters of the Code of Virginia shall be applicable to the said corporation and the council of said town, so far as may be consistent with this act. Especially shall the said corporation have power to purchase, take, receive, hold and use goods and chattels, lands and tenements, and choses in action, or any interest, right or estate therein, either for the proper use of said town, or in trust for the benefit of any persons or associations therein, and the same to grant, sell, convey, transfer and assign, let, pledge, mortgage, charge and encumber, in any case, and in any manner in which it would be lawful for a private

Property of town.

Mayor and alder-

Corporation court, how constituted, and when held.

Quarterly courts.

Juriediction of court, and powers of mayor and aldermen.

individual so to do. 2. For said corporation there shall be a mayor and ten aldermen. There shall be a court also for said corporation, which shall be called "The Corporation Court for the Town of Fredericksburg," and the same shall be held on the second Thursday in every month. The mayor and two aldermen, or any three aldermen of the said town shall hold said court, except where it is otherwise provided. The quarterly terms of said court shall be in the months of March, June, October and December in every year. It shall be a court of record, and sectious second, third, fourth and fifth of the one hundred and fifty-seventh chapter of the Code of Virginia shall be applicable to said court, so far as they are consistent with this act.

3. The said court shall have jurisdiction, and the said mayor and each of the said aldermen shall have the powers of a justice of the peace, not only within the limits of the town aforesaid, but also for the space of one mile on the south side of Rappahannock river, without and around said town, including so much of said river to low water mark on the shore of the county of Stafford, as shall lie between two lines drawn due east from the northern and southern terminations of the one mile aforesaid, for matters arising within the same, according to the laws of the commonwealth. And any presentment made in said court, by a grand jury, for an offence committed within the jurisdiction of said court, may be prosecuted in said court, and like proceedings had thereon as in the county court of Spotsylvania.

4. The said court shall have power and authority to hear and determine all causes whatsoever, pending in the existing corporation court of Fredericksburg when this act takes effect.

Power over auses in existing corporation

5. For the said corporation there shall be a board of twelve members, Council of towns which shall be called "The Council of the Town of Fredericksburg," how constituted. and the following municipal officers, to wit: A chamberlain, a commis-officers. sioner of the revenue, a collector of taxes and a clerk of the market.

There shall be an election annually, at the courthouse or the mayor's Annual elections. office in said town, as the council thereof shall direct, on the third Mon-when and where day in March; which election shall be for members of the council, and to be held. for persons to fill, until the next annual election, the following offices for said corporation, viz: Mayor, chamberlain, commissioner of the revenue, collector of taxes and clerk of the market; and in case of failure to hold the election on that day, then on such day afterwards as the council shall appoint.

7. At such election all white male citizens of said town, who shall Who entitled to have been residents of said town for twelve months next preceding such vote. election, and otherwise qualified to vote for members of the general assembly, shall have a right to vote. And any person having a right to Who eligible to yet of corporation officers, shall be eligible to any office of the cor-office.

poration.

8. At the first election had under the preceding sections, there shall be Election of alder. held in like manner an election for ten aldermen of the corporation, a men, clerk, attor-elerk of the corporation court, an attorney for the commonwealth in said court, and a sergeant of the corporation; and on the same day in every fourth year thereafter, there shall be elected ten aldermen for the corporation, and an attorney for the commonwealth for said court; and on the same day in every sixth year, a clerk of said court; and on the same day in every second year thereafter, a sergeant. And every vacancy Vacancies, how occurring amongst the aldermen, or in either of the offices enumerated filled. in this section, shall be filled by the court at its first session after the happening of such vacancy, or as soon thereafter as practicable, provided a majority of the members of the court be present, by appointment to continue until the next annual election for the members of the council, when an election shall be held to fill the unexpired term of said office, if any there be. And if there shall be a vacancy in the office of mayor or any of the offices mentioned in the fifth section of this act, such vacancy shall be filled by the council.

9. For superintending the first elections under this act, the mayor and Who to superincouncil of the town of Fredericksburg, existing at the passage of this tend elections, and how apact, shall appoint five commissioners, any two of whom may act, to pointed. superintend the election; and at all subsequent elections the council slected under this act shall appoint commissioners to superintend the same; and the said commissioners shall have such powers and perform Their powers such duties as are prescribed by the sixth section of the seventh chapter and duties. of the Code of Virginia, after having taken such oath as is mentioned Their oath. in the seventh section of the said chapter, a certificate of which shall be returned to the clerk of the council, to be preserved in his office.

10. The second section of the chapter aforesaid of the Code shall How long poll to

apply to the poll at such elections.

11. An officer to conduct the election shall be appointed by the coun- Who to conduct cil; or if the council fail to do so, by the commissioners of the election. elections. Under the superintendence and control of the commissioners, it shall be the duty of the said officer, after taking the oath prescribed by the tenth section of the chapter aforesaid. (a certificate whereof shall be returned to the clerk of the council,) to cause the poll to be publicly opened; to proclaim and see recorded the votes admitted by the commissioners, and to preserve order during the election. The said officer shall employ such Poll-keepera. writers, and at such rate of compensation as the council may direct, or in the absence of such direction, as he shall think fit; and they shall re- Their oath. spectively take an oath, to be administered by one of the commissioners, to record the votes faithfully and impartially. The said votes shall be votes, how to be given as prescribed by the fourth section of the third article of the con-given. stitution. But at the same time a vote is given, the officer conducting the election may receive of each voter a paper or ticket, with his name written on it, which shall specify the names of the persons for whom he votes, and for what office.

Poll, when converified.

12. After the names of all the persons offering to vote before the time cluded, and how for closing the election shall have been thus entered, the officer shall conclude the poll. Immediately on the conclusion thereof, the correctness of the poll shall be certified by the commissioners aforesaid and by the officer aforesaid.

Return of elec-

13. The officer conducting the election shall, in respect to each of the offices for which an election is held, ascertain and certify the name of each person voted for for such office, and the number of votes given for him; and the person or persons receiving the highest number of votes for any office or place shall be considered as elected.

To whom return to be made.

Oaths of mem-

bers of council.

14. The certificate of said officer, with the polls and tickets, shall be delivered by him to the clerk of the council; whereupon, the persons appearing by said certificate to be elected members of the council, shall be entitled (after taking an oath before the mayor or any justice to discharge their duties as such members, to the best of their judgment) to sit in the council until the council shall otherwise decide.

shall ascertain, and upon their journal enter what persons are elected aldermen, and what person is elected to each of the offices for which an election was held, and cause such person to be notified of his election. Council to decide 15. The council may decide between two or more persons having an equal number of votes for the same office, which of them is elected; it

elections.

Contested elec-

may pass upon the qualifications of persons voted for; and it may prescribe the manner of determining contested elections in cases not specially provided for in this act. Council to certify 16. The council shall certify to the corporation court the names of

of its officers. Bonds of clerk and sergeant.

to court election the persons elected aldermen, the name of the person elected clerk of the court, the name of the person elected attorney for the commonwealth, and the name of the person elected sergeant; and the said court shall take from the said clerk and sergeant bonds in like manner as if it had appointed them.

How long former council and other officers to continue in office.

The members of the council, who may be in office at the time an election is held for their successors, shall continue in office until their successors or eight of them are qualified. The aldermen who shall be in office at the time of an election for their successors, shall continue in office until their successors or a majority of them are qualified in open court. And the mayor, and all other persons holding offices mentioned in the fifth and eighth sections of this act, shall (unless sooner removed) continue in office, after their terms of office have expired, until their respective successors are qualified.

New elections. when to be ordered.

for an office be adjudged by the council to be ineligible, or if in the case of a contested election the council decide that neither of the parties to the contest is entitled to the office for which the election was held, it shall in either of said cases order a new election, and prescribe the time therefor. And unless the council otherwise direct, such new election shall be conducted by the said officers who superintended and conducted the previous election, and shall be under the like regulations.

18. If the person who shall have received the highest number of votes

How to be conducted.

> 19. All the real and personal estate, and all the funds, rights, titles, taxes, credits, claims and rights of action of the mayor and commonalty of the town of Fredericksburg, shall be and the same are hereby transferred to the corporation created by this act; and it shall have all the powers, capacities, franchises and immunities which were vested in or

Estate, funds, powers and privileges vested in corporation.

> conferred upon or appurtenant to the mayor and commonalty aforesaid. 20. All the estate, real or personal, heretofore conveyed or transferred to the mayor and commonalty aforesaid, in trust for the use, benefit er advantage of any persons or associations, shall be and the same are hereby transferred to the town of Fredericksburg hereby incorporated, to be held subject to all the trusts and conditions to which it would have been subject if this act had not been passed.

Trust property transferred to

corporation.

21. All bonds and writings obligatory, all contracts with and all claims and demands against the said mayor and commonalty of the town of Fredericksburg, shall be good in law for or against the corporation hereby created, as they would have been for or against the mayor and commonalty aforesaid if this act had not been passed.

Contracts and obligations to continue valid.

22. All the estates, rights, titles and privileges, and all the funds, Property and rerevenues and claims of the town of Fredericksburg shall be under the trol of council. care, management and control and disposition of the council; and all the corporate powers, capacities, franchises and immunities of the corporation shall be exercised by the council or under its authority, unless it be otherwise expressly provided.

23. The council shall have power to have, in and near the town, lands Cemeteries and to be appropriated for the interment of the dead, or as places for public public grounds.

walks, and to improve the same and keep them in order.

24. The council may open or extend, widen or narrow, lay out and Streets and graduate streets and public alleys in the town, and have them kept in alleys. good order; and they shall have, over any street or alley in the town which has been or may be ceded to the town, like authority as over other streets and alleys.

25. The council may appoint a surveyor for the town; prescribe his Surveyor of duties and regulate his compensation or fees of office; and his surveys town. and acts shall have the like validity and effect as surveys and acts made

or done by a survey or of a county.

26. If any land in the town be subject to be covered by stagnant wa- His pay and feer. ter, or if the owner or occupier thereof permit any offensive or unw hole stagnant water and offensive subsome substance to remain or accumulate thereon, the council, after giving stances removed. reasonable notice to the owner or occupier in the manner prescribed by chapter one hundred and sixty-seven of the Code of Virginia, may cause such land to be filled up, raised or drained, or such substances to be covered, and may collect the expense of so doing from the owner or occu- When owners to pier in like manner as taxes due from him to the corporation would be pay expense. collected.

27. The council may prevent hogs and dogs and other animals from Restraint of anirunning at large within the limits of the town, and may subject the same mala going at to such regulations and taxes as it may deem proper. It may prohibit Negroes not to negroes from raising hogs or keeping dogs within the town; and it may raise hogs and prevent the riding or driving of horses or other animals or the running Driving at speed of steam engines in the town at a speed which it may deem dangerous prevented.

or improper, or exclude said engines from the town altogether, provided Steam engines regulated. no contract be thereby violated.

28. The council may require spirituous liquors, wine, oil, molasses and Gauging liquors, vinegar, brought to town in casks for sale, to be gauged, and may make for sale, to be gauged, and may make for sale, to be gauged. provision for the weighing of hay, fodder and other long forage brought to town for sale; and may also provide for the measuring of corn, oats, Measuring grain, grain, coal, potatoes and other articles brought to town for sale or barter. &c.

29. The council may adopt measures to suppress riots and to prevent suppression of lewd, indecent or disorderly conduct in the town, and to expel therefrom riots and disorpersons guilty of such conduct, who shall not have resided therein as der. much as one year.

30. The council may provide work-houses or houses of correction, Work-houses prescribe for what conduct and in what manner persons may be confined and houses of or employed at or in said houses, and may enforce such confinement, correction. and may prescribe discipline for said houses and persons, and may pro- Poor house. vide a poor-house for the poor of said town, and appoint a manager for

the same. 31. For paying the interest and redeeming the principal of loans con-Power of taxatracted, and for the execution of any of its powers, the council may tax tion. the real property in said town in proportion to its value, which shall be sacertained in such manner as the council may prescribe. The council may also tax slaves in the town aforesaid and such other personal property therein as it may deem proper, in proportion to its value; and it may impose a capitation tax on all free males above the age of twen-

ty-one years in said town.

32. The collector of the town taxes may distrain and sell therefor, in power to dislike manner as a sheriff may distrain and sell for state taxes, and shall train for and collect taxes. have in other respects the powers to enforce the collection thereof.

33. There shall be a lien on real estate for the town taxes assessed Lien on real esthereon from the commencement of the year for which they are assessed. tate for taxes. The council may require real estate in the town, delinquent for the non-

linquent lands.
Redemption
thereof.

Licenses to theatres and shows.

Power to sell do payment of taxes, to be sold for said taxes, with interest thereon, and such per centum as they may prescribe for charges; and they may regulate the terms on which real estate so delinquent may be redeemed.

34. The council may grant or refuse licenses for theatrical performances in a public theatre, or for any public show, exhibition or performance elsewhere, and may require taxes to be paid on such licenses, and make regulations as to the houses or rooms for any such show, exhibition or performance.

Licenses to wagons, carts and carriages.

35. The council may grant or refuse licenses to the owners or keepers of wagons, drays, carts, hacks and other wheel carriages kept or employed in the town for hire, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

Licenses to pedlars.

36. The council may grant or refuse licenses to hawkers or pedlars in the town, under such regulations as they may deem proper, and require taxes to be paid on such licenses; but they shall not impose a tax for

Bread exempt from taxation. Licenses to insurance companies.

selling bread in the street.

37. The council may provide that no agent or sub-agent of any insurance company or office incorporated or authorized by another state, shall establish or keep an office, or transact the business of his agency within the town aforesaid, without obtaining a license therefor; and may require payment of a tax on such license.

Taxes on incomes and licenses.

38. The council may levy taxes on incomes and licenses of persons in the town in cases not herein otherwise provided for, subject however to the provisions of the twenty-fifth section of the fourth article of the constitution.

Licenses to auctionecra.

39. The council may grant or refuse licenses to auctioneers, and require a tax to be paid on their licenses in addition to any tax paid by them to the state; and may regulate sales at auction within the town, and require a per centum to be paid on any such sales, (except sales in centum.

Poll to be taken on subscriptions to works of inter-

the town under the judgment or decree of a court or magistrate of the state,) and may require bond and security for the payment of such per 40. On the petition of one-fourth of the freeholders of the town, the council may, by resolution, direct a poll to take the sense of the freenalimprovement, holders of the town on the question, whether the council, on behalf of

Regulations therefor.

the town of Frederickshurg, shall subscribe to the stock of a company incorporated for a work of internal improvement in this state, which, or any part of which, is to be constructed in or near the said town, an amount not exceeding a certain maximum to be stated in the resolution. The resolution shall designate a certain time for the poll, not less than one month from its date, and shall be published for one month in the newspapers printed in the said town. At the time designated, commissioners appointed by the council shall, after taking an oath fairly to take and return the poll, open poll-books, and shall cause to be entered on such poll-books, in a column to be headed "Subscription," the names of the freeholders of the town who attend and vote in favor of the subscription; and shall cause to be entered upon said books in another column, to be headed "No Subscription," the names of those freeholders who attend and vote against the subscription. The commissioners who take the said polls shall certify and return them, within five days after the day they were taken, to the clerk of the council. If,

Loans and certificates of debt.

to an amount not exceeding the maximum mentioned in said resolution. 41. The council may, in the name and for the use of the corporation, contract loans or cause to be issued certificates of debts or bonds, but such loans, certificates or bonds shall not be irredeemable for a period

by said poll-books, it shall appear that a majority of the whole number of the freeholders of the town are in favor of the subscription, the council may subscribe on behalf of the corporation for stock in said company

Sinking fund, how raised and applied.

greater than thirty-four years. 42. There shall be set apart annually, from the accruing revenues of the town, a sum equal to seven per centum of the corporation debt existing at the commencement of this act. The fund thus set apart shall be called the Sinking Fund, and shall be applied to the payment of the interest of the corporation debt and the principal of such part as may

be redeemable. If no part be redeemable, then the residue of the sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of this state or of the United States, and applied to the payment of the corporation debt as it shall become redeemable.

43. Whenever, after the commencement of this act, there shall be con-Sinking fund for tracted by the corporation any debt not payable within the current fiscal subsequentdebts. year, there shall be set apart, in like manner, annually, for thirty-four years, or until the debt is paid, a sum exceeding by one per cent. the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction, which sum shall be a part of the sinking fund, and shall be applied in the manner before directed.

44. The council shall not appropriate any part of the sinking fund or sinking fund nes its accruing interest, otherwise than is mentioned in the two preceding to be appropri-

sections, except in time of war, insurrection or invasion.

45. No business shall be transacted by the council unless eight mem-Quorum of bers be present; and all questions put, except in such matters as are council. herein expressly provided for, shall be decided by a majority of the before it decided. members present: the president of the council always voting as any other member.

46. No money shall be appropriated by the council, no contract en- What number tered into or authorized, nor shall any ordinance be passed, unless with may appropriate the concurrence of seven members at the same time. the concurrence of seven members at the same time.

contracts.

47. The council shall have power and authority to enforce any or all How ordinances of their ordinances by reasonable fines and penalties, or by imprisonment may be enforced. for a period not longer than thirty days, and by corporal punishment,

when other than white persons are offenders.

48. The mayor shall sit every day, except Sunday, in such place as Mayor's court the council may designate, and take cognizance of such cases as may be when to sit, and brought before him under the laws of the state, and of all cases in which where. any ordinance or by-law of the town is alleged to have been violated. If the mayor be absent from the town, sick, or his office vacant, any who to act when alderman may discharge the duty imposed on the mayor by this section. he is absent. The mayor shall be the chief executive officer of the corporation as well Duty of meyor. as a justice of the peace; and he shall take care that the by-laws and the ordinances of the town be faithfully executed. Especially shall it be his duty to see that good order is preserved in said town, and that the ordinances concerning nuisances and the health of the people be strictly enforced; and to that end, he shall have control of the police officers of His power over the town. He shall also take an oath, faithfully to discharge the duties police. imposed on him by this section, before he shall act as mayor.

49. The mayor shall receive for his services a compensation, to be fixed Pay of mayor. by the council, which shall not be increased or diminished during the termifor which he shall be elected to office; which shall be paid out of the funds of the corporation; and the council of the town aforesaid, existing at the passage of this act, shall fix the salary of the mayor for the first year.

50. The council may appoint such officers as they may deem proper, Council to apin addition to those hereinbefore provided for, and may define the powers point officers, de-and prescribe the duties and compensation, not only of the officers so and fix their pay. appointed, but also of the chamberlain, commissioner of the revenue, collector of taxes, and clerk of the market, and manager of the poorhouse; and may take from any of said officers a bond, with sureties, in Their bonds. such penalty as to the council may seem fit, payable to the town by its corporate name, and conditioned for the faithful discharge of the duties of his office. Any of said officers may be removed from office by the Removal of council for misconduct or neglect of official duty, and the council may officers. declare when the office of any of them shall become vacant by a failure to qualify. All officers appointed by the council may be removed from office at pleasure.

51. The police officers of the town shall in all criminal cases have the Powers and dusame powers, duties and fees, and be subject to the same penalties that ties of police officers. are prescribed by law as to constables.

Claims cognizaaldermen.

52. Any claim to a fine or penalty under this act, or under any ordible by mayor and nance or by-law of the town, if it be limited to an amount not exceeding twenty dollars, and any other claim in or against the corporation or a person therein, if it be not of greater value or amount than thirty dollars, (exclusive of interest,) shall be recognizable by the mayor or any alderman of the town.

Pay of aldermen. Act to be con-

53. The council may grant to the aldermen compensation for their services in court, which shall be paid out of the funds of the corporation. 54. In all courts this act shall be construed as favorably for the corpo-

to continue in

office.

strued favorably ration as the nature of the case will admit.

How long former 55. The corporation court of Fredericksburg, as now constituted, and court, justices and their officers the justices of the peace for the corporation of Fredericksburg, who shall be in commission when this act takes effect, shall continue and remain in office until the aldermen required by this act to be elected, or a majority of them, shall be elected and qualified, and no longer. The clerk of the corporation court of Fredericksburg, the attorney for the commonwealth in said court, and the sergeant of the corporation who

shall be in office at the time aforesaid, shall continue in office until such officers are elected under this act and qualified, and no longer, unless

elected under this act. And the mayor, council and other municipal officers under the existing charter of the town of Fredericksburg, shall remain in office until the Monday after this act takes effect, and no Ordinances to longer. All ordinances of the mayor and council of the town of Frede-continue in force. rieksburg in force when this act takes effect, shall have as much force as

Act to be submitted to people for ratification. Election, when and where held, and how conducted.

if they were passed as ordinances by the council elected under this act.
56. The council of the town of Fredericksburg shall appoint three commissioners (two of whom may act) to open a poll-book at the town hall of said town on the fourth Thursday of the present month, May, with two columns: the one headed, "For the act to incorporate the inhabitants of the town of Fredericksburg in the county of Spotsylvania;" and the other headed, "Against the act to incorporate the inhabitants of the town of Fredericksburg in the county of Spotsylvania;" and

the said commissioners shall receive and record in said poll-book the

Regulations.

votes for and against said act of incorporation, of all persons qualified to vote for members of the council, and shall certify the number of votes given for and against said act, and cause their certificate, with the poll-book, to be delivered to the clerk of the council. The council shall ascertain the result of the poll, and forthwith enter upon their journal the aggregate vote for and against said act. And if it appear that a majority of the votes cast is against the said act, all proceedings under it shall cease. But if it shall appear that a majority of the votes is for the act aforesaid, then shall all the other sections of this act be in force on and after the second Monday in March eighteen hundred and fifty-three.

Commencement.

CHAP. 384 —An ACT to incorporate the Fredericksburg water power company. [Passed April 12, 1852.]

57. This act shall be in force from its passage.

Fredericksburg water power company incorporated.

1. Be it enacted by the general assembly of Virginia, That J. Warron Slaughter, Thomas F. Knox, Alexander Bell, William M. Mitcthell, George Aler, Montgomery Slaughter, John A. English, William D. Moore, C. G. Browne, John F. Ficklin, and such other persons as may hereafter be associated with them, shall be and are hereby incorporated and made a body politic and corporate under the name and style of "The Fredericksburg Water Power Company."

Who to open books for subscriptions. Rights, powers and restrictions.

2. That any five of the above named parties shall have power to open books of subscription for the formation of said company in the town of Fredericksburg; and the said company are hereby invested with all the rights, privileges and powers, and subjected to all the restrictions and limitations conferred and imposed upon such bodies politic and corporate by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as they are applicable to and not inconsistent with the powers herein granted and contained.

- 3. That the said company shall have power to purchase and hold real Real estate, and estate and water privileges in the counties of Stafford and Spotsylvania, water privileges. including the corporation of Fredericksburg, not exceeding five hundred acres in each county; and may sell, lease, rent or otherwise dispose of Power to manu. the same, and may also manufacture vegetable, mineral and animal sub- facture.
- 4. That the capital stock of said company shall not be less than fifty Capital. thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each.

5. That the said company shall have power and authority to agree Contract with with the president and directors of the Rappahaunock canal company Rappahaunock for the use of its canal and works for the purposes of said water power canal company. company.

6. This act shall be in force from its passage, and shall be subject to Commencement. any amendment, alteration or modification, at the pleasure of the general Centrol over charter.

assembly.

CHAP. 385.—An ACT incorporating the town of Hampton in the county of Elizabeth City.

[Passed May 11, 1852.]

1. Be it enacted by the general assembly, That the town of Hampton Town of Hampin the county of Elizabeth City, as the same has heretofore been laid ton incorporate off into lots, streets and alleys, or as the same may hereafter be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Hampton;" and by that name Corporate shall have and exercise the powers conferred upon towns by the fifty-powers. fourth chapter of the Code of Virginia, and subject to all the provisions of the said chapter of the Code, except so far as the same may be modified by this act.

2. The officers of said town shall consist of seven trustees, who shall council, how compose the council, four of whom can act, who shall hold their offices constituted.

for one year, or until their successors are appointed and qualified.

3. The said council shall levy no higher tax for the purposes of the Power of taxasaid town than one dollar on every male tithable, and twenty cents on tion. every one hundred dollars of the assessed value of all the real estate in said town; and nothing else shall be subject to taxation for the purposes of said town than such male tithables and real property.

4. John Gammel, William Kendall and Samuel Face, (any two of Election of offiwhom may act,) are hereby appointed commissioners to hold an election cers, when and on the first Monday in May next for the officers aforesaid, according to

the said chapter of the Code of Virginia.

5. This act shall be in force from its passage.

Commencement.

CHAP. 386.—An ACT to incorporate the town of Harrisville in the county of Ritchie.

[Passed February 17, 1852.]

1. Be it enacted by the general assembly, That the town of Harrisville Town of Harrisin the county of Ritchie, as the same has heretofore been laid off into ville incorpolots, streets and alleys, and as the same may hereafter be laid off into rated. lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Harrisville;" and by that name Corporate shall have and exercise the powers and privileges conferred upon towns powers. by the fifty-fourth chapter of the Code of Virginia.

2. The officers of the said town shall consist of five trustees, who shall council and sergeant.

compose the council, (three of whom can act,) and a sergeant. 3. Philip Cox, junior, and Cyrus Hall, or either of them, are hereby Election of offiauthorized to hold an election, agreeably to the chapter aforesaid, for said cers, when held officers, on the first Monday in May next; and annually thereafter an and by whom.

election shall be held in conformity to the said fifty-fourth chapter of the Code of Virginia.

4. This act shall be in force from the passage thereof.

Commencement.

CHAP. 387.—An ACT authorizing the trustees of the town of Jeffersonville to extend the limits of the said town.

[Passed May 28, 1852.]

Limits of Jeffersonville ex-tended.

1. Be it enacted by the general assembly, That the trustees of the town of Jeffersonville in the county of Tazewell be and they are hereby authorized and required to extend the limits of said town, so as to include within its corporate boundaries so much of the land adjacent thereto on the south side, as will be embraced within the following lines, to wit: Beginning in the corporation line at or near a gate in the lane in the rear of Thomas Witten's house, and with the line between said Witten and Henry F. Peery to a beech, the corner of said Witten, Peery and John W. Johnston, near said Johnston's spring, and with the line between Peery and Johnston to a beech stump, and thence with said line up the branch to a big buckeye corner between Peery and Johnston on the bank of a branch below an old mill; thence leaving said line, and passing in the rear of Johnston's house, to a walnut on the road near said Johnston's orchard, and corner to said Johnston and John C. Hopkins; thence with the road in the direction of the present town of Jeffersonville to the forks of the road in the rear of Isaac M. Benham's house, and with the eastern fork of said road to the western side of the grave-yard, and along the western side of the grave-yard to the line between said Benham and J. Stras, and with said line to the present corporation line, and thence to the beginning; and at any time hereafter the trustees of said town may include within its corporate limits any land adjacent thereto.

Further exteneione.

Plat and survey of town.

with the consent of the owners of such land. 2. Whenever any addition is made to the corporate limits of said town by virtue of the first section of this act, the trustees thereof shall cause to be made and recorded in the manner prescribed in the first section of chapter fifty-four of the Code of Virginia, a plat and survey of said town.

Commencement.

3. This act shall be in force from and after its passage.

CHAP. 388.—An ACT incorporating the Jeffersonville watering company. [Passed May 11, 1852.]

Jeffersonville watering company incorporated.

1. Be it enacted by the general assembly, That Granville Jones, Andrew J. Dunn, R. W. Witten, Calvin M. McCarty and William Cox, and such other persons as may be hereafter associated with them, shall be and the same are hereby made a body politic and corporate under the name and style of "The Jeffersonville Watering Company," for the purpose of supplying the town of Jeffersonville in the county of Tazewell with water; and they are hereby invested with all the rights, privileges and powers conferred, and subject to all the rules, regulations and restrictions imposed on such bodies politic and corporate by the fifty-seventh chapter of the Code of Virginia.

2. The capital stock of the said company shall not be less than one thousand dollars nor more than ten thousand dollars, to be divided into shares of twenty-five dollars each; and the said company shall have the

Corporate powers.

Capital.

Real estate.

Subscription by town of Jeffer-sonville.

Power to pur-chase land or water privileges.

'Condemnation thereof.

right to purchase and hold land in or near the said town of Jeffersonville, in one or more parcels, not exceeding five acres. 3. It shall be lawful for the common council of the said town to subscribe for or authorize a subscription on behalf of the corporation of said

town for such number of shares as shall not exceed in amount the sum of two thousand dollars: Provided, That three-fifths of the legal voters of that town, upon a vote to be taken, shall consent thereto.

4. It shall be lawful for the president and directors of the said company, at any time hereafter, to contract and agree with the owners of any land or water privileges for the use or purchase thereof, whether the same be situated within or without the limits of the said town, if the use or possession of said land or water privileges be advisable for the location of reservoirs, pipes, conduits, water works or any of the fixtures

or appurtenances necessary therefor. And in case of disagreement, or if the owner thereof be a feme covert, under age, non compos mentis, out of the state or unknown, the said president and directors may apply to

and obtain from the court of the county in which such lands or water privileges are situated, a writ of ad quod damnum, (which it shall be the Proceedings duty of the said court, upon application, to award.) directed to the sheriff thereon. of the said county, commanding him to empannel a jury of twelve freeholders of said county, no way related to the parties, or in any manner interested, whose duty it shall be to go upon the premises, and being sworn, to ascertain and fix the damages which will accrue to the owner of said land or water privileges by reason of the location of said reservoirs, pipes, conduits or water works thereon, or the use of said water privileges, or the passage of said pipes, conduits or other fixtures through said land. The damages assessed shall be certified under the Damages, when hands and seals of the said jury, and by the said sheriff shall be returned paid. to the court of said county and recorded, and shall be paid by the president and directors to the proprietors of the said land or water privileges; and when the said damages shall be paid or secured to be paid by the said president and directors, the said land or water privileges, or the privilege of constructing and maintaining reservoirs and other water works, and passing their pipes and conduits and fixtures through the same, and of repairing, altering, taking up and laying them down again from time to time; and the use of said water privileges shall thereafter be vested in the said president and directors and their successors in office.

5. The said company may open the streets, lanes, alleys and public Power to open squares in said town for the purpose of laying pipes for distributing wa- streets, &c. ter: Provided, That when the same shall be opened for that purpose, they shall, as soon as practicable, be repaired by the said company, at their own cost and expense, subject to the approval of the common

council of said town.

6. It shall be lawful for the said president and directors to sell and Power to dispose dispose of the water which they may have conducted into said town to of water. the inhabitants thereof, and to other persons, in such manner and at such prices as to them from time to time shall seem expedient for the interest of said company: Provided however, That in case of calamity Regulations for by fire, it shall be the duty of said company, their officers and agents, un-using water at der proper and convenient regulations made for the purpose, without free hesitation, to throw open and make easy of access any reservoirs, water plugs, hydrants or other fixtures containing or affording a supply of water, for the purpose of enabling the citizens of said town, fire companies or others, the more readily to extinguish the flames, free of any fee, charge or demand whatsoever; and all the profits accruing to said Dividends. company from the sale of their said water, shall, after deducting all necessary charges and expenses, be divided among the said stockholders in proportion to the amount of stock owned by them respectively, at such times as shall be agreed upon by said company in general meeting assembled.

7. If any person shall divert, use, apply or draw off any part of the Penalty for Mewater so by the said company introduced into said town, without the saily using, or consent of the said company first had and obtained, or shall willfully do injuring works. or cause to be done any act whatever, whereby any pipe, conduit, plug, reservoir or other works of said company shall be obstructed, injured or destroyed, the person or persons so offending shall be subject to a penalty of not less than ten nor more than twenty dollars for each and every such offence, to be recovered by warrant before the mayor of said town How recoveror any justice of the peace of the county in which such offence shall able. have been committed, one half to be paid to the informer and the other half to the treasurer of the said town for its own use, and shall moreover forfeit and pay to the said company double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company with costs of suit, by action in any court of record in this state; and if said company, their officers or agents shall penalty on com-refuse to permit the free use of said water in the case of any huilding or pany refusing buildings in said town being on fire, they shall be subject to the action water at fires. of the party injured by such refusal, and shall pay such damages as a jury may assess.

Power of council 8. The common council of said town shall have power to pass ordi-

to protect works. nances for the protection from injury, by adequate penalties, not exceeding twenty dollars in any one case, of the works and property of said

company.

to be organized.

9. If the said company shall not be organized by the appointment of a president and directors in pursuance of the chapter aforesaid of the Code of Virginia, within five years from the passage of this act, then all its provisions shall be null and void.

Commencement

10. This act shall be in force from its passage.

CHAP. 389.—An ACT to change the mode of electing certain officers for the town of Leesburg in the county of Londoun.

[Passed April 8, 1852.]

Mayor, recorder and sergeant of burg, how lected.

1. Be it enacted by the general assembly, That hereafter in all elections for common councilmen in the town of Leesburg in the county of Loudoun, it shall be lawful for the persons qualified by the existing law to vote for common councilmen, to elect at the same time a mayor, recorder and town sergeant, instead of having those officers elected by the common council as heretofore.

Commencement.

2. This act shall be in force from its passage.

CHAP. 390.—An ACT to incorporate the town of Leesville in the county of Campbell.

[Passed March 31, 1852.] 1. Be it enacted by the general assembly, That the town of Leesville in

Town of Lees-ville incorporated.

the county of Campbell, as the same has heretofore been laid off into lots, streets and alleys, and as the same may hereafter be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Leesville;" and by that name shall have and exercise the powers and privileges conferred upon towns by the fifty-fourth chapter of the Code of Virginia.

Corporate nowers.

Council and

sergeant. Election of officers, when and

by whom held.

Subject to county levies and working on roads.

2. The officers of said town shall consist of five trustees, who shall compose the council, (three of whom can act.) and a sergeant.

3. Morton Pannill, Samuel Tardy, Grief Miller, Abner Anthony, jr.,

Carolus G. Terry and W. A. Lee, or either of them, are hereby authorized to hold an election, agreeably to the chapter aforesaid, for said officers, on the first day of August next; and annually thereafter an election shall be held in conformity to the said fifty-fourth chapter of the Code of Virginia: Provided, That nothing in this act contained shall

exempt the persons residing in said town from the payment of county

levies, or from the duty of working on the public highways in the said

Commencement.

county of Campbell. 4. This act shall be in force from its passage.

CHAP. 391.—An ACT to secure to the congregation of the Presbyterian church of the town of Lexington certain property within the limits of that town.

[Passed May 22, 1852.]

Presmble.

Whereas according to the Code of Virginia, trustees of a religious congregation can take and hold not more than two acres of ground in an incorporated town, and not more than thirty acres out of such town; and whereas prior to the enactment of said Code, the congregation of the Presbyterian church of Lexington, in addition to one acre sixty-two poles of land, comprising its church lot and grave-yard, held, by its trustees, three acres and twenty-five poles of land without the limits of the town of Lexington for a parsonage lot, and on which a house suitable for and appropriated to the residence of their minister has been erected; and whereas on the twelfth of March eighteen hundred and fifty, the corporate limits of said town were extended by act of assembly, so as

Presbyterian church of Lexington to hold real property.

to include the said parsonage: Therefore,

1. Be it enacted by the general assembly, That it shall be lawful for the congregation of the Presbyterian church of Lexington to continue to hold by its trustees the said land and house appropriated for a parsonage, together with its church lot and grave-yard.

2. This act shall be in force from its passage. Commencement.

CHAP. 392.—An ACT to change the corporate title of the town of Marion in the county of Smyth.

[Passed March 22, 1852.]

1. Be it enacted by the general assembly. That the present title of the Council substi-president and trustees of the town of Marion in the county of Smyth, tuted for trustee be henceforth dispensed with, and that of the common council of the town of Marion be substituted therefor.

2. It shall be lawful, at all future corporate elections, for the citizens Mayor and alderof said town to vote for and elect a mayor and an alderman, who shall mentobe elected.

Their jurisdichave concurrent jurisdiction with the county magistrates within the tion. limits of the corporation, and especially the adjudication and enforcement of all cases arising under the corporation laws of said town of

Marion.

3. This act shall be in force from its passage.

Commencement.

CHAP. 393.—An ACT incorporating the town of Maysville. [Passed June 2, 1852.]

1. Be it enacted by the general assembly, That the town of Maysville Town of Maysin the county of Buckingham, as the same has heretofore been laid off ville incorpointo lots, streets and alleys, and as the same shall hereafter be laid off rated. into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Maysville;" and by that name shall have and exercise the powers conferred on towns by the fifty-fourth chapter of the Code of Virginia, and be subject to all the provisions of the said chapter of the Code.

2. The officers of said town shall consist of five trustees, who shall Council and compose the council, (any three of whom can act,) and a sergeant, who sergeant shall hold their offices for one year, or until their successors are qualified.

3. Norvell Cobbs and A. A. Walton are hereby authorized to hold an Election of offielection on the first Monday in July next, for the officers aforesaid ers, how con-Said election shall be conducted agreeably to the aforesaid chapter of ducted. the Code of Virginia.

4. Elections for the officers aforesaid shall be held on the first Monday Election, when to be beld.

in the month of July.

5. This act shall be in force from its passage.

Commencement.

CHAP, 394.—An ACT to incorporate the town of Mont Rose in the county of Westmoreland. [Passed February 17, 1852.]

1. Be it enacted by the general assembly of Virginia, That the court- Town of Mont house village in the county of Westmoreland, as the same has been or Ross incorpomay hereafter be laid off into lots, streets and alleys, shall be and the rated. same is hereby made a town corporate by the name of "The Town of Mont Ross;" and by that name shall have and exercise the powers Corporate conferred upon towns by the fifty-fourth chapter of the Code of powers.

2. The officers of said town shall consist of five trustees, who shall Council and compose the council, three of whom can act, and a sergeant.

3. Joseph S. Lyell, C. H. Sanford and W. A. Spence, or any two of Officers, when them, are hereby authorized to hold an election, agreeably to the chapter elected, and by aforesaid, for said officers, on the first Thursday in May next; and an-ducted. nually thereafter an election shall be held in conformity to the fiftyfourth chapter of the Code of Virginia.

4. This act shall be in force from its passage.

Commencement.

CHAP. 395.—An ACT authorizing the citizens of Monterey in the county of Highland to elect trustees of said town.

[Passed February 10, 1852.]

1. Be it enacted by the general assembly of Virginia, That hereafter, Trustees of Monon the first Thursday in June of every year, it may be lawful for the terey, how and qualified voters residing in the town of Monterey in the county of High-

land, to elect five trustees, who shall also be residents of said town : and the said trustees, elected in accordance with this act, shall have all the powers now conferred on the present trustees by existing laws.

Who to conduct

2. It shall be the duty of the sheriff of Highland, in person or by deputy, to attend and conduct the elections provided for by this act. 3. This act shall be in force from its passage.

Commencement.

CHAP. 396 .- An ACT incorporating the town of Moundaville. [Passed May 11, 1852.]

Town of Moundsville incorporated.

1. Be it enacted by the general assembly, That the town of Moundsville in the county of Marshall, as the same has heretofore been laid off into luts, streets and alleys, or as the same may be hereafter laid off inte lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Moundsville," and by that name shall have and exercise the powers conferred upon towns by the fifty-fourth chapter of the Code of Virginia, and be subject to all the

Corporate powers.

Mayor, council and sergeant.

provisions of the same. 2. The officers of said town shall consist of a mayor and five trustees, (four of whom can act,) who together shall compose the council, and a sergeant, who shall hold their offices for one year, or until their successors are appointed and qualified.

Power of taxation.

3. The council of said town shall have power to assess and collect an annual tax within the said town, not exceeding in any one year fifty cents on every tithable, nor one dollar on every hundred dollars in value of all property now subject to taxation under the revenue laws of this commonwealth.

Who to conduct election for officers.

4. Jonathan Lockwood, Michael Dunn, Elijah Clegg, Elbert H. Caldwell, John Gallaher, John Thompson and John Strawn, or any four of them, are hereby appointed to hold an election, on the first Monday in June next, for the officers aforesaid, agreeably to the aforesaid chapter of the Code of Virginia.

Officers, when

5. Elections for the officers aforesaid shall be held annually on the first Monday in June.

Commencement.

6. This act shall be in force from its passage.

CHAP. 397 .- An ACT incorporating the town of Newbern in the county of Pulaski.

[Passed May 27, 1852.] 1. Be it enacted by the general assembly, That the town of Newbern

Boundaries of townof Newbern in the county of Pulaski shall be comprised within the following limits,

> to wit: All the lots, streets and alleys comprised within the distance of three furlongs each way, from the courthouse of said county, running east and west, with the Southwestern turnpike road, and seventy-five yards on each side of said road, running at right angles with said road, in a northern and southern direction; and the said town, within the limits aforesaid, is hereby made a town corporate by the name and style of "The Town of Newbern;" and by that name shall have and exercise the powers conferred upon towns by the fifty-fourth chapter of the Code of Virginia, and be subject to all the provisions of the said Code.

Town incorporated.

> 2. The officers of said town shall be nine trustees, (five of whom can act,) who shall compose the council, and a sergeant, who shall hold their offices for one year, and until their successors are appointed.

Council and sergeant.

> 3. William I. Jordan and G. H. Shannon are hereby authorized to hold an election, on the first Monday in July next, for the officers aforesaid, agreeably to the chapter of the Code aforesaid.

Who to hold elections.

> 4. Elections for the officers aforesaid shall be annually held on the first Monday in the mouth of May.

Elections, when to be held. Commencement.

5. This act shall be in force from its passage.

CHAP. 398.—An ACT to authorize the Northwestern Bank of Virginia at Parkersburg to loan the town of Parkersburg a sum of money.

[Passed May 11, 1852.]

Loan from North-1. Be it enacted by the general assembly, That the president and direcwestern Bank to tors of the Northwestern Bank of Virginia at Parkersburg are hereby

authorized and empowered to loan to the corporation or town of Parkersburg any sum of money not exceeding ten thousand dollars: said loan to be made upon the bond or bonds of the said president, recorder and trustees of the said corporation or town, countersigned by the clerk of the council, and bearing the common seal of the said town.

2. The said president, recorder and trustees are hereby authorized, by Power of taxaa levy upon the taxable property within the limits of the corporation of tion by town to Parkersburg, to provide for the payment of the interest on said loan pay debt. semi-annually, and for the extinguishment of the principal after the expiration of five years, in such manner as to discharge the same at the

end of ten years from the date of said loan; or the debt, at the option of said town, may be discharged as now provided by the Code.

3. This act shall be in force when the president, recorder and trustees Act to be submitof the town of Parkersburg shall be satisfied, either upon a vote taken ted to vote of heretofore or hereafter to be taken, that three-fifths of the population of said town shall consent thereto.

CHAP. 399.—An ACT authorizing the people of Portsmouth to elect a mayor . and common council.

[Passed February 17, 1852.]

1. Be it enacted by the general assembly, That the voters resident within Council of Portethe town of Portsmouth, who, by virtue of their residence within the mouth, how and when elected. said town, would be entitled, under the present constitution of the state, to vote for members of the general assembly, be and they are hereby authorized to elect, in lieu of the board of trustees now provided by law for said town, and in the same manner and at the same times now prescribed for electing such trustees, a common council of said town, consisting of thirteen councilmen, who shall possess all the powers and au-Their powers. thority of the said board of trustees; and shall succeed to all the rights, and be subject to all the obligations of said board; and all suits pending pending suits. or rights of action existing for or against the said town of Portsmouth, &c. to continue. or the trustees thereof, at the time of the adoption of this act by the voters of said town, shall continue in full force and effect, to all intents and purposes, for or against the town of Portsmouth, or the common conneil thereof, as if this act had not been passed.

2. That the said voters of Portsmouth are also hereby authorized, at Election of the time or times and in the manner aforesaid, annually to elect a mayor mayor. of said town, who shall possess all the powers and authority of a justice His powers and of the peace, except that he shall not, by virtue of his office as mayor, sit duties a member of the county court of Norfolk county. It shall be the duty of the said mayor to enforce the by-laws and ordinances of said town as well as the laws of the commonwealth within the same, and he His jurisdiction. shall have concurrent jurisdiction with justices of the peace within said town, except as above prohibited. The compensation and fees of office His pay and fees. of said mayor shall be prescribed by the common council, who are hereby authorized to provide that proper charges and compensation shall be made for any and all services rendered by the said mayor; and may provide for the payment of such fees to him by such parties as they may prescribe, or the payment of such fees or charges into the town treasury, and the payment to the said mayor of such salary from the treasury of said town as they may think proper, or may combine both modes of compensation as to said council may seem advisable.

3. Vacancies happening in the office either of the mayor or council- Vacancies in men aforesaid, may be supplied, for the remainder of the term for which council or may they were elected, by the council, if there be a quorum of the same; but if there be no quorum, then such vacancy or vacancies may be filled by a new election by the voters of said town, in accordance with the provisions of the Code of Virginia, chapter fifty-four.

4. On Saturday, the sixth day of March next, a poll of those hereby Act to be submitauthorized to vote for a mayor and common council of the town of ted to voters; Portsmouth, shall be opened and conducted, and the result returned in election conaccordance with the present laws for holding elections of trustees in said ducted. town; and the officer conducting the said poll shall propound to the

voters the question following: "Are you in favor of the law authorizing you to elect a mayor and common council," to which each voter shall answer "Aye" or "No." If a majority of votes given be in favor of this act, then it shall by the officer conducting such poll be declared adopted. But if a majority of the votes given as above be against the adoption of this act, then said officer shall declare the same rejected.

When mayor and council to be alected. If act rejected. then trustees to be elected.

5. If this act be adopted as aforesaid, notice shall be given, and an election of a mayor and thirteen councilmen of said town shall be held on the first Saturday in April next, under and by virtue of this act; but if this act be rejected as aforesaid by the people of Portsmouth, then notice shall be given, and an election shall be had, on the said first Saturday in April next, of nine trustees of said town, in accordance with the present law; and this act, if rejected as aforesaid, shall thereafter be null and void.

Commencement.

6. This act shall be in force from its passage.

CHAP. 400.—An ACT incorporating the town of Ravenswood in the county of Jackson.

[Passed March 10, 1852.] .

Boundaries of Ravenswood.

1. Be it enacted by the general assembly, That the town of Ravenswood in the county of Jackson, beginning at the junction of Sand street and the Ohio river; running thence with the course of said street to Broadway street; thence with the course of last said street to Big Sandy creek; thence with the course of said creek to the eastern boundary line of a lot owned by C. M. Rice; thence with the said boundary line to said Sand street; thence with the course of last said street to the eastern boundary line of a lot owned by T. B. Fitzhugh; thence with last said boundary line to the southern boundary line of E. Wells' farm; thence with last said boundary line to the Ohio river, and thence with the course of the Ohio river to the place of beginning, shall be and the same is hereby made a town corporate by the name of "The Town of Ravenswood;"

Incorporated.

Corporate powers.

and by that name shall have and exercise the powers conferred upon towns by, and be subject to the provisions of, the fifty-fourth chapter of the Code of Virginia, so far as the provisions of said chapter are not in conflict with the provisions of this act. 2. The officers of said town shall consist of five trustees, who shall

Conneil and sergeant.

Election, when held and how conducted. First trustees, and sergeant.

compose the council, (three of whom can act,) and a sergeant. 3. An election for said officers shall be held on the first Monday in May next, and annually thereafter, conformably to the said fifty-fourth chapter of the Code of Virginia; and until the election to be held as aforesaid, B. Fleming, C. M. Rice, S. B. Taylor, L. Thorn and D. L. Kemp be and they are hereby appointed trustees; and Jennings Beckwith be and he is hereby appointed sergeant of said town; and shall hold their offices until their successors shall have been elected as heretofore provided. The said first election shall be superintended by the trustees herein ap-

Power to borrow money.

4. The council shall, in addition to the powers conferred in the fiftyfourth chapter of the Code of Virginia, have power to borrow money to make a wharf, or improve the wharf, streets and alleys of said town, and may execute bonds for the payment of any such loan or loans: Provided. That they be authorized so to do by a majority of the voters of

Limitation to the power of taxation.

said town, taken and ascertained under the direction of the town council. 5. The council shall not have power to tax any land within the limits of said town, lying to the eastward side of Virginia street, unless the same has been heretofore, or shall be hereafter laid off into town lots Nor shall they tax any lots or other property in the said town and sold. held for public or charitable purposes.

What lots may be taxed.

How collected.

6. The trustees shall have power to levy a tax on the lots of ground bounded by Sand street, Broadway street, Big Sandy creek and the Ohio river, ratably with the other real estate taxed in said corporation; and the said tax shall be collected of the tenant in possession of any term or lease in the said bounds.

7. The residents of said town shall not hereafter be liable to work the Residents exroads of the county of Jackson lying without the bounds of the said corempt from worknoration, and the court of said county shall not hereafter have nower to poration, and the court of said county shall not hereafter have power to lay off the said town, or any part thereof, into a road precinct or precincts.

8. This act shall take effect from its passage.

Commencement

CHAP. 401.—An ACT to enlarge the corporate limits of the town of Ripley in the county of Jackson.

[Passed May 1, 1852.]

1. Be it enacted by the general assembly, That the trustees for the town Limits of town of Ripley in the county of Jackson shall cause to be surveyed and laid Ripley extended. off seventy acres or less of land adjacent to said town, in addition to its present limits, so as to shew distinctly each lot, street and alley; the size and number of the lots and the width of the streets and alleys, with such explanations and remarks as they may deem pertinent and proper. The vote to be taken plan of the said town, so surveyed and enlarged, being so prepared, shall for or against exbe subject to public inspection; and the said trustees, on the second Saturday of June one thousand eight hundred and fifty-two, shall cause a vote to be taken, at the courthouse in the said town, for and against the said enlargement of the limits of the said town. The said vote shall be taken How vote to be under the superintendence of the said trustees, who shall permit all per-taken. sons to vote residing within the limits of the said town as enlarged, who are entitled to vote for members of the general assembly.

2. If a majority of said voters shall approve the said enlargement and Plan of town to plan, the same shall be recorded in the clerk's office of the county court be recorded. of Jackson county, and shall be considered as prima facie evidence of the boundaries of the lots, streets and alleys of said town. The town so Regulations for enlarged shall be governed in all respects in the manner directed by the town. act of assembly establishing said town, passed the nineteenth day of De-

cember one thousand eight hundred and thirty-two.

3. This act shall be in force from the passage thereof.

Commencement

CHAP. 402.—An ACT incorporating the town of Shinston in the county of Harrison.

[Passed May 26, 1852.]

1. Be it enacted by the general assembly, That the town of Shinston in Town of Shinsthe county of Harrison, as the same has heretofore been laid off into ton incorporated. lots, streets and alleys, and as the same may hereafter be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Shinston," in the county of Harrison; and by that name shall have and exercise the powers hereinafter granted.

For the good government and well ordering of the affairs of said Trustees, how town, it shall be lawful for the resident male citizens of said town, quali-and when fied to vote for members of the general assembly, to meet at some convenient place in said town on the first Saturday in July next, (of which place of meeting at least ten days' notice shall be given,) and annually thereafter on the first Saturday in April, and then nominate and elect, by viva voce, seven fit and able men, being freeholders or housekeepers and inhabitants of the said town, to serve as trustees thereof. The persons Qualification of so elected shall, before they enter upon the duties of their office, respectives tively take an oath, or make solemn affirmation before some justice of the peace for the county of Harrison, well and truly, faithfully and impartially to do, perform and execute the duties of their office severally, according to the best of their skill and judgment, and shall, within ten Presiding days after being notified of their election, proceed to choose out of their officer. own body one person to preside at their meetings and give the casting vote at any legal meeting of the trustees of said town, whenever they are equally divided.

Should it so happen that an election of trustees be not made at the Term of office. time prescribed for an annual election, then said election may be had, upon ten days' public notice given, by any two or more freeholders or

First election. how superinhousekeepers of said town, of the time and place of such election; and if no election be made at the time prescribed for an annual election, or in manner aforesaid, then the same trustees last elected shall remain in office until the next succeeding term, as above prescribed for an annual election, or until a new election shall be had. For the first election of said trustees, it shall be lawful for any two justices of the peace of the county of Harrison, to whom notice may be given by the sheriff of said county, (and it shall be the duty of said sheriff to give such notice at least ten days previous to the said first Saturday in July next,) to attend in said town, and conduct the election of trustees at such place therein as they may appoint and notify, at least five days previous to said time of election; and the said justices shall declare who are elected as trus-

Annual election. how superintended. Who to decide elections.

tees of said town; and thereafter it shall be the duty of said trustees for the time being to appoint annually three commissioners to superintend the election of trustees for said town; and in case two or more persons nominated and voted for in the said election (and not being elected) shall have an equal number of votes, the said commissioners, or any two of them, shall determine and say which of the persons voted for as aforesaid shall be returned elected, and shall so certify the same to the clerk (if any) or to the senior trustee or other person appointed to receive and preserve the papers and records of said town: such certificate to be filed and preserved by such clerk (if any) or other person appointed as afore-

Meetings, how convened and constituted.

4. The presiding trustee, or any two of said trustees, shall have power to summon a meeting of said trustees as often as occasion may require; which meeting shall be composed of five members at least, including the president, or in his absence a president pro tempore, elected by a majority of the said trustees who may be present; and all questions, before a meeting of said trustees, shall be decided by a majority of the trustees present, each having one vote, except the person who presides,

Questions de-

cided.

Special powers of trustees.

who shall vote only when the others are equally divided. 5. The trustees of said town shall have power to establish markets, and regulate the same; to improve the streets, walks and alleys of the said town; to provide against and prevent accidents by fire, and for that purpose to establish and organize fire companies, and purchase engines; to license and regulate shows and other public exhibitions, and the same to tax in such reasonable manner and extent as they may deem expedient; to appoint all such officers as may be necessary for conducting the affairs of said town, not otherwise provided for by this act, and to allow them such compensation as they may deem reasonable; and finally, to make all such by-laws, rules and regulations neccessary and proper for the good government of said town, not inconsistent with the constitution and laws of the United States or of this commonwealth, and the same to enforce by reasonable fines and penalties not exceeding for any one offence the sum of ten dollars, to be recovered with costs in the name of the town of Shinston, before any justice of the peace of the said county of Harrison, and by the corporate authorities of said town applied in aid of the taxes of said town.

Power of taxation.

6. The said trustees so constituted shall have power to assess and collect an annual tax within said town for the purposes before mentioned, on all such property as is now, or may hereafter become subject to taxation by the revenue laws of this state: Provided, That the tax on real estate shall not exceed in any one year fifty cents on every hundred dollars value thereof, and fifty cents on all tithables within said town: And provided also. That the tax to be imposed on all other property and inhabitants of said town subject to taxation as aforesaid, shall not exceed the taxes on the like subjects, now or hereafter to be imposed by the revenue laws of this state, unless such excess shall have been authorized by a majority of the inhabitants of said town and owners of real estate therein, qualified as aforesaid to vote for members of the general assembly.

Commissioner of

7. It shall be the duty of the trustees of said town, once in each year, revenue elected. at such time and place within the limits of said town as they may appoint, to elect a commissioner of the revenue for said town, having first

given ten days' notice thereof, whose duty it shall be to assess the real His duty, estate within the limits of said town: and in each assessment he shall be governed by the directions of the act, entitled "an act concerning the reassessment of the lands of this commonwealth," passed March the twentieth, eighteen hundred and fifty, in the valuation thereof; and shall do and perform all the duties now required by law to be done and performed by the commissioners of the revenue for the county of Harrison, so far as the same are applicable to the assessment of the subjects of taxation by the trustees of said town as above provided for; and to make out a book with said assessment according to such form as the said trustees may prescribe, and return the same to the said trustees at such time in each year as they may prescribe. And said commissioner Oath of office. is required, before entering upon the duties of said office, to make oath or solemn affirmation before a justice of the peace for the county of Harrison, that he will faithfully discharge the duties of said office, to the best of his skill and judgment; and the said trustees are hereby autho- Compensation. rized to allow said commissioner for his services aforesaid, out of the revenues of said town, such reasonable compensation as they may fix, provided the same shall not exceed the sum of thirty dollars for any one year; and the said trustees are authorized to remove said commissioner from office, and forthwith to appoint another in his stead, for good cause, upon five days' notice, at any time during his term of office, and stating the cause in such notice.

8. In case any of the inhabitants of said town, or any other person Errors in assesswhose property shall be subject to taxation by said town authorities, ing taxes corshall think the assessment of his property, to be made as aforesaid, shall be too high, he may submit the same to the trustees, who are hereby au-

thorized to correct such assessment as to them shall seem just.

9. The said trustees shall have power to appoint annually a town ser-Sergeant ap-geant or collector, who shall have and exercise the like right of distress pointed. and powers in collecting the said taxes as sheriffs have in like cases; duties. and in the service and return of all process arising under the authority Fees and com-of this act, or of any by-laws made as aforesaid in pursuance thereof, missions. he shall be entitled to the same or like fees and commissions as are allowed by law to constables for similar duties and services. The sergeant Bond required. or town collector shall execute to the said president and trustees for the time being, boud with approved security, in such penalty as they may deem necessary, payable to the town of Shinston, conditioned for the faithful discharge of his duties, and payment over of said taxes and other moneys by him collected in virtue of his office; and he and his securi-Remedy against ties, his and their heirs, executors and administrators shall be subject to him. such proceedings, by motion or otherwise, before the county court of the county of Harrison, for enforcing payment of such taxes and other moneys by him collected, at the suit of the said president and trustees, or other person entitled thereto as collectors of county levies are by law subject to, for enforcing payment of the levies by them collected.

10. In case of the misconduct of any collector of said town, appointed Collector, how as aforesaid, the said trustees shall have power to remove the offender, removed from office. and supply the vacancy thereby occasioned. And in case of a vacancy Vacancies filled. in the office of trustee of said town, such vacancy shall be filled within thirty days, by an election as in the first instance, made by the voters qualified as hereinbefore provided. And in order the better to determine Who liable to what persons are liable to taxation, as hereinbefore provided, and resi-taxation. ding in said town, annually, on the first day of February, shall be subject

to taxation the then current year.

11. All fines, penalties and amercements, and all other moneys re-Fines, &c. to ceived or raised by virtue of this act, and not otherwise appropriated, enure to town. shall be applied, under the direction of the president and trustees of said town, who are hereby authorized themselves to draw for the same, or to confer power and authority on any of their own body or other agent or efficer to do the same; and to settle with the said sergeant or collector, Settlement of serexamine and allow his vouchers for disbursements, allow his delinquent geant's accounts. lists, and grant his acquittances.

Wharves, landings and docks.

12. It shall be lawful for the said president and trustees of the said town of Shinston to establish and construct wharves, landings and docks on any street or alley, or any ground which does now belong or which may hereafter belong to the said town, or which may be condemned in due course of law for such purpose, and to repair, alter or remove any wharf, dock or landing at the mouth of any street, or on any other ground in said town to which said town or the trustees thereof may have been or may hereafter be authorized, by individual conveyance or in any other manuer, to use for said landing, wharfing or dock purposes, and to establish and collect rates and taxes for using in any manuer the

Wharfage, &c.

said landings, wharves or docks; and they shall further have authority to pass and enforce such by-laws, rules and regulations as shall be proper to keep, not only those hereby authorized, but all other public landings, wharves and docks of said town in proper order and repair, and to preserve peace and good order at the same, and to regulate the manner in which the same shall be used by any ferry and other boats or vessels whatsoever.

Chapter of Code on towns made nert of act.

13. The fifty-fourth chapter of the Code of Virginia shall be held and deemed a part of this act as if the same were specially re-enacted as a part of the charter of the town of Shinston, so far as the provisions of said chapter are not in conflict with the provisions of this act. 14. This act shall not take effect until it shall be ratified by a majority

Act to be submitted to voters for ratification.

of the inhabitants of the said town of Shinston, qualified to vote as aforesaid, after notice published for one month in some newspaper published in the county of Harrison, and posted at some public place within Who to conduct the limits of said town. And it is hereby made the duty of the sheriff

election, and when.

of the county of Harrison to fix the time and place within the said town, of taking such vote and to conduct the same, and certify the result to the clerk of the county court of the said county of Harrison: Provided, That the time of taking such vote shall not be postponed beyond ninety days after the passage of this act.

CHAP. 403.—An ACT amending the charter of South Wheeling. [Passed June 5, 1852.]

Assessors to list property in South Wheeling, how elected.

1. Be it enacted by the general assembly of Virginia, That for the purpose of ascertaining the list of tithables, and the value of real estate and other taxable property in the town of South Wheeling, there shall be annually elected three assessors, being freeholders of said town, who shall be sworn to make an impartial and faithful list of said tithables. and appraisement of said property. 2. The board of trustees shall have exclusive authority, within the

Power to grant licenses and lay

jurisdiction of said town, to grant or refuse licenses for inns, taverns, houses of public or private entertainment, boarding-houses, public eatinghouses, coffee-houses, places at which spirituous liquors shall be sold, and places of public amusement. They shall have further power to regulate the manner in which such houses or places shall be kept, and to levy and collect taxes thereon, in addition to any tax which is or shall be payable to the state.

Use of county jail allowed to town.

3. For the purpose of carrying into effect the police regulations of said town, that the town shall be allowed the use of the county jail of Ohio county for the safe keeping and confinement of all persons who shall be sentenced to imprisonment or labor under the ordinances of said town; and all persons so confined shall be under the charge and custody of the sheriff of said county, who shall receive, keep and discharge

Sheriff to have custody of pri-

said town, or otherwise be discharged by due course of law. 4. For the purpose of maintaining the police regulations of said town under the authority of this act and for no other purpose, the jurisdiction and corporate authorities shall be and the same are hereby made to extend on the north to the line of the city of Wheeling, and the eastern

and western boundaries of this extension to be made by straight lines from the southern corners of the city of Wheeling, running to the northern corners of the said town of South Wheeling; and that the jurisdic-

the same in such manner as shall be prescribed by the ordinances of

Jurisdiction of town, how far to extend.

tion of the said town be so extended on the south as to embrace all the land lying between the southern line of said town, to the county line between the counties of Ohio and Marshall, and bounded on the west by the Ohio river, and on the east by the eastern line of Coal street, in the recorded plat of the Bogg's farm, and the jurisdiction of the Ohio river in front of these extensions to be the same as now attaches to the said

5. It may be lawful for the board of trustees to tax dogs, and subject Taxation of dogs.

them to such regulations as they may deem proper.

6. All the officers of the said town, except the clerk of the board of officers of town, trustees, shall be elected by the qualified voters of the town, at the same how and when elected. time, and in the same manner as the trustees are elected.

CHAP. 404.—An ACT revising and reducing into one act the provisions of the charter of the town of Staunton.

[Passed May 22, 1852.]

1. Be it enacted by the general assembly, That the territory within the Limits of town limits prescribed in the act passed the eleventh day of February eighteen of Staunton. hundred and forty-eight, entitled "an act extending the limits of the town of Staunton in the county of Augusta, and for other purposes," shall continue to be the town of Staunton; and the white inhabitants Corporate within said limits and their successors shall, on and after the Wednesday powers. after the fourth Monday in March eighteen hundred and fifty-three, be a corporation by the name and style of "The Town of Staunton;" and the fifty-fourth and fifty-sixth chapters of the Code of Virginia, so far as they are consistent with this act, shall be applicable to the said corporation, and to the council of said town.

2. There shall continue to be for the said corporation a court, which Hustings court, shall be called the Court of Hustings for the Town of Staunton; and how constituted. the same shall be held by the mayor, recorder and aldermen of said town, or any three of them, except where it is otherwise provided. The Monthly terms. monthly terms of said court shall be held on the Wednesday after the first Monday in each month; and the quarterly terms thereof shall be in Quarterly terms.

the months of February, May, July and October.

3. The said court shall continue to have jurisdiction, and the said Jurisdiction of mayor, recorder and aldermen shall continue each to have the powers court.

of a justice of the peace, not only within the said corporate limits, but and aldermen. also for the space of one half mile without and around the limits of said town, in all matters arising within the same, according to the laws of the commonwealth. And any presentment in said court by a grand jury for an offence against the said laws, committed within the jurisdiction of said court, may be presented in said court in like manuer, and like proceedings be had thereon, as in the county court of Augusta.

4. The court of hustings shall have the sole power to settle tavern Power of court rates, and to license, in the manner prescribed by law, tavern-keepers overtaverns and and retailers of wine, ardent spirits, or a mixture thereof, within the ers of liquors.

limits of said town.

5. There shall be a board called the Council of the Town of Staunton, Council, how which shall be composed of the mayor, recorder, six aldermen and four composed. councilmen, any seven of whom shall constitute a quorum to transact business. The mayor, or in his absence, the recorder, shall be president Its president. of the board; and in the absence of both mayor and recorder, the council shall choose a president pro tempore. The mayor or recorder Meetings, how or any two members may convene a special session of the council.

 The council may grant out of the town treasury a compensation Pay of mayor. to the mayor, not exceeding one hundred and fifty dollars a year, and Mayor's court. may require the mayor to hold regular terms of a mayor's court for the trial of cases cognizable by a justice of the peace. The mayor shall His control over exercise control and superintendence over the police officers, and admi-police: nister the police regulations of the town, in pursuance of law and of the ordinances of the town.

7. Every white male citizen of the commonwealth of the age of twen- Who to vote for ty-one years, who has been a resident of the state for two years, and of officers.

Who eligible to

the said town for twelve months next preceding any election, and ne other person, shall be qualified to vote for all officers elective by the voters of said town. No person shall be eligible to any office named in the next succeeding section, who is not qualified to vote under this section.

Officers of town, when and how elected; their terms of office.

8. On the Wednesday after the first Monday in April eighteen hundred and fifty-three, there shall be elected by the voters of said town eleven persons, to serve as recorder, aldermen and councilmen; a mayor, who shall be ex officio a member of the council, a sergeant, a clerk for the court of hustings, and an attorney for the commonwealth for said corporation; and on the same day annually thereafter, an election shall be held for eleven persons, to serve as recorder, aldermen and councilmen, a mayor and a sergeant; on the same day in every fourth year thereafter, for an attorney for the commonwealth; on the same day in every sixth year thereafter, for a clerk of the hustings court; and on the same day in the year eighteen hundred and fifty-four, and in every second year thereafter, for a commissioner of the revenue for said corporation.

Election. where to be held.

9. Every such election shall be held at the courthouse in said town, or at such places as the council may prescribe; and if from any cause an election be not held on the day appointed therefor, the council shall designate another day for such election.

Superintendents and conductors of elections.

10. The council shall appoint for each place of voting five commis-

Their powers and duties.

sioners, any two of whom may act, to superintend and an officer to conduct every such election; but if no such officer be appointed or present,

Their oath.

the commissioners may appoint the officer to conduct the election. The commissioners shall have the powers and perform the duties prescribed by the sixth section of chapter seven of the Code of Virginia, and shall

How long poll to be open.

take the oath required in the seventh section of said chapter, a certificate of which shall be returned to the clerk of the council, to be preserved in his office. The second section of said chapter shall apply to the poll at such election. 11. Under the superintendence and control of the commissioners, the

Polls, how taken.

officer appointed to conduct the election, (after taking the oath prescribed by the teuth section of said chapter, a certificate of which shall be re-

turned to the clerk of the council,) shall cause the polls to be opened publicly for the election, shall proclaim and see recorded the votes admitted by the commissioners, preserve order and remove force. He shall Poll-keepere, how appointed. employ writers, at such rate of compensation as the council may direct; Their pay and and such writers shall respectively take an oath, to be administered by said officer, to record the votes faithfully and impartially. He shall deliver to each writer a poll-book for those officers as to whom such writer

oath. Poll, how kept.

is to record the votes; and each writer shall enter the name of each voter in a column to be headed with the words "Names of Voters," and on a line with such name he shall enter the initial letters of the name of such voter, or, if the commissioners so direct, a cross mark, under the Voter, how to be name of each person for whom he votes for any of said offices. said votes shall be given as prescribed by the fourth section of the third article of the constitution; but at the time a vote is given, the officer

given.

shall receive from each voter a paper or ticket (with his name written on it,) which shall specify the names of the persons for whom he votes and for what offices. 12. After the names of all persons, who have offered to vote within

Poll, when concluded.

the time prescribed by law, have been thus entered, the officer shall con-How corrected. clude the poll; and as soon as practicable thereafter the commissioners and officer shall examine the poll, shall strike therefrom the votes, above

one, of any person who has voted more than once, shall attach to the poll a list of the votes stricken therefrom, with the reasons therefor, and shall certify the correctness of the poll so taken.

Certificate of election, by whom made.

13. The officer conducting the election shall ascertain, declare and certify what persons are elected to serve as members of the council; or if an equal number of votes be given for persons of whom one or more but not all could lawfully be elected, he shall certify the name of each of said persons, and the number of votes given for him. He shall also ascertain and certify the name of each person voted for as mayor, sergeant, clerk, attorney for the commonwealth or commissioner of the revenue, and the number of votes given for him. If there be more than one place of voting, the officers conducting the election at the several places shall unite in performing the duties prescribed in this and the next

succeeding section.

14. The certificates of the officer, with the polls and tickets, shall be To whom returns delivered by him to the clerk of the council; whereupon, the persons ap- to be made. pearing by said certificate to be elected to serve as members of the council, shall be entitled, after taking the proper oaths of office, to sit in the council until the council otherwise decide. The council shall ascertain, Council to enter and upon their journal enter, what person is elected to each of the said elections on their offices of mayor, sergeant, clerk, attorney for the commonwealth and journal. commissioner of the revenue: and thereupon the mayor, after taking the proper oaths of office, shall be entitled to sit as president of the council, and to vote as a member thereof.

15. The council shall proceed, within one week after the election, to Council to choose choose, from the eleven persons elected to serve as members of the coun-recorder and cil, a recorder and six aldermen: the remaining four shall act as council- Residue to be

16. The council may decide between two or more persons having an Council to decide equal number of votes for the same office, which of them is elected. It elections. may pass upon the qualification of persons voted for; it may prescribe tions. the manner of determining contested elections in cases not provided for by this act; and in regard to any other question in respect to which it directs a poll, it may make such rules and regulations as it may deem fit.

17. The council shall certify to the court of hustings the names of the Officers of court persons, respectively elected mayor, recorder and aldermen, who shall, to be certified by after taking the proper oaths of office, be entitled to sit as justices of the said court. It shall also certify to said court the names of the persons respectively elected sergeant, clerk, attorney for the commonwealth and commissioner of the revenue, each of whom shall qualify in said court: and the said court shall take from the sergeant, clerk and commissioner Bonds required of the revenue respectively, such bonds as may be required by law.

18. The council shall have power to fill a vacancy in the office of Vacancies, how mayor, recorder, alderman, councilman or sergeant. A writ of election filed. to fill a vacancy for the unexpired term in the office of clerk, attorney for the commonwealth or commissioner of the revenue, shall be issued by the council; and in case the vacancy be in the office of clerk, it may

appoint a clerk pro tempore, who shall discharge the duties of the office until a clerk is elected and qualified.

19. The court of hustings may remove from office the clerk of such what officers court, the sergeant, the attorney for the commonwealth or the commis-court may resioner of the revenue, for malfeasance, misfeasance or neglect of official move. duty. The council may, by the vote of eight members, remove from What officers office the mayor or any member thereof for gross misconduct in his council may re-

20. The members of the council, who may be in office at the time an How long existelection is held for their successors, shall continue in office until such ing officer successors or a majority of them are qualified; and the mayor, and all continue in office. other persons holding offices mentioned in this act, shall (unless sooner removed) continue in office after their terms of service have expired, until their respective successors are qualified.

21. If the person who has received the highest number of votes for an When and how office shall be adjudged by the council ineligible, or, if in the case of a new elections contested election, the council decide that neither of the parties to the may be ordered. contest is entitled to the office for which the election was held, it shall, in either case, order a new election to fill the vacancy, and prescribe the time therefor; and unless the council shall otherwise direct, such new How conducted. election shall be conducted and held by the same officers who conducted and superintended the previous election, and shall be subject to the like

22. The corporation of the town of Staunton shall have all the es- Estates, funds tates, rights, titles and privileges; all the funds, revenues and claims, and powers vestand all the powers, capacities, franchises and immunities which were edincorporation.

vested in or conferred upon, or belonged, or appertained to the corporation of the town of Staunton, or to the mayor and commonalty of the town of Staunton, by or under any act or acts of the general assembly heretofore passed, and not in conflict with this act. Especially shall it have the power to purchase, receive, possess and hold estates, real and personal, either for the proper use of said town, or in trust for the benefit of any persons or associations therein, and of granting such estates.

Estates, revenues and powers under control of council.

23. All the estates, rights, titles and privileges, and all the funds, revenues and claims of the town shall be under the care, management, control and disposition of the council; and all the corporate powers, capacities, franchises and immunities of the town shall be exercised by the council, or under its authority, unless it be otherwise expressly provided. And every power heretofore vested in or exercised by the mayor and commonalty of said town, or by the mayor, recorder, aldermen and councilmen in common council assembled, not inconsistent with this act, is hereby vested in the council of said town, as organized by this act.

24. The vote on any question shall, at the request of any member of

Votes of council. when to be recorded. vacancies.

the council, be recorded; and the concurrence of seven members shall corded. What number to be required to make any order, by-law, regulation or ordinance valid pass laws and fill and binding. But a majority of those necessary to form a council may fill a vacancy in an office.

General powers of council.

25. The council shall have power to erect work-houses, houses of correction, prisons and other public buildings for the benefit of the town; to open streets and alleys, and to keep the same in good repair; to establish markets, and to assess taxes upon the inhabitants and property within the limits of the town for corporate purposes.

Power of taxacemeteries.

26. The council shall have power to prevent injury to the water works tion.
Water works and and places for the interment of the dead, and may pass ordinances concerning the same, for any violation of which a person may be fined or punished by the judgment of the mayor, recorder or any alderman of said town, in conformity with such ordinances.

Animals preventlarge. Negroes prohibited from raising animals. Driving at speed prohibited.

27. The council may prevent hogs, dogs and other animals from runed from going at ning at large within the corporate limits, and may subject the same to such regulations and taxes as it may deem proper. It may prohibit negroes from raising or keeping hogs within said limits; and may prevent the riding or driving of horses or other animals, or the running of steam engines at an improper speed within said limits, or exclude said engines, provided no contract be thereby violated.

Power over riots.

28. The council may adopt measures to suppress riots, gaming and gaming, tippling, tippling houses; and upon persons who unlawfully sell, by retail, wine, ardent spirits, or a mixture thereof, may impose fines, in addition to those prescribed by the laws of the state.

Power of collector in collecting taxes.

29. The collector of the town taxes may distrain and sell therefor, in like manner as a sheriff may distrain and sell for state taxes, and shall have, in other respects, like powers to enforce the collection thereof.

Lien on real cstate for taxes.

30. There shall be a lien on real estate in said town for the town taxes asseased thereon, from the commencement of the year for which they The council may require real estate in the town, delinwere assessed. queut for the nonpayment of taxes, to be sold for said taxes, with interest thereon, and such per centum as they may prescribe for charges; and it may regulate the terms on which real estate so delinquent may be

Sale of real estate delinquent for taxes.

> redeemed. 31. The council may grant or refuse licenses to auctioneers, hawkers, pedlars, keepers of bowling alleys, or for theatrical performances, or any other public show, exhibition or performance in the town; may require taxes to be paid on any of said licenses in addition to any tax paid to the state, and may adopt such regulations in all such cases as it may deem proper.

Redemption thereof. Power to grant

licenses.

Taxes on incomes, salaries, &c

32. The council may levy a tax on incomes, salaries and licenses of persons in the town in cases not herein otherwise provided for; subject however to the provisions of the twenty-fifth section of the fourth article of the constitution.

Power to make loans.

33. The council may in the name and for the use of the town contract loans or cause to be issued certificates of debt, and provide for a sinking fund to pay the same, but such loans shall not be irredeemable

for a period greater than thirty-four years.

34. The council may appoint such officers as it may deem proper in Power to appoint addition to those hereinbefore provided for, and may define their powers other officers, and and prescribe their duties and compensation, and may take from each of duties and pay. them, and from the sergeant, as collector of the town taxes, bond with Bonds required sureties, in such penalty as to the council may seem fit, payable to the of officere town by its corporate name, and conditioned for the faithful discharge of the duties of the office. The council may declare when the office of any power to remove person, elected under this act or appointed by the council, shall become from office. vacant by a failure to give the proper bonds, or to qualify, or by a removal from the town; and may at its pleasure remove from office any officer appointed by itself.

35. The police officers of the town shall in all criminal cases have the Powers, duties powers, perform the duties, receive the fees, and be subject to the penal- and fees of police officers.

ties prescribed by law as to constables.

36. Any claim to a fine or penalty under this act, or under any ordi- Claims, how nance or by-law of the town, if it be limited to an amount not exceeding recoverable. twenty dollars, and any other claim in or against the corporation, or a person therein, if it be not of greater value or amount than thirty dollars, (exclusive of interest,) shall be cognizable by the mayor, recorder

or any alderman of the town.

37. The mayor, recorder and aldermen acting as justices of the peace Officers existing, and as members of the council, and the common councilmen, the ser-how long to congeant, commissioner of the revenue, clerk of the hustings court, and attorney for the commonwealth in said corporation in office when this act takes effect, shall respectively continue in office until the successor of the mayor, a majority of the council authorized to be elected by this act, and the respective successors of the other officers aforesaid are elected and qualified; and so soon as this act takes effect, so much of the act Repealing concerning the election, qualifications, compensation and duties of jus-clause. tices of the peace and other county officers, passed April twenty-second, eighteen hundred and fifty-two, as requires the commissioner of the revenue for the corporation of Staunton to be elected under its provisions, shall be deemed to be repealed.

38. The common council of said town shall appoint the officers to Council to aphold the first election under this act; and all the ordinances of the said point officers for first election. town in force when this act takes effect, and all rights, prosecutions, ac- What laws to tions, claims and contracts shall remain and continue as if this act had continue in force.

not passed.

39. The sergeant of the town of Staunton, under the superintendence Act to be submitof such commissioners as the common council of said town may appoint, ted to voters, when and where. shall, at the courthouse of said town, on the first Wednesday of July when and w next, open a poll-book, to be headed "The Charter as Revised," and to Regulations contain two separate columns: the first column to be headed "For the therefor. Revised Charter," and the other to be headed "Against the Revised Charter;" and the said sergeant shall receive and have recorded in said poll-book the votes, for and against this charter, of the persons qualified to vote in said town who may offer to vote. The poll so taken shall be certified by the commissioner to the common council, which shall ascertain the number of votes given for and the number of votes given against the revised charter, and shall forthwith enter the same and the result of the polls upon their journal. And if it appear that a majority of the votes cast is in favor of the revised charter, a certificate of the fact shall be recorded in the clerk's office of the court of hustings of said town; and thenceforth all the preceding sections of this act shall be in force; but if a majority of the votes cast be against the revised charter, a certificate of the fact shall be recorded in said clerk's office; and thenceforth the charter of said town shall remain, and all the proceedings shall be as if this act had not passed.

40. The thirty-ninth section of this act shall be in force from its commencement.

passage.

CHAP. 405 .- An ACT to incorporate the town of Steenrod in the county of Obio.

[Passed May 3, 1852.]

Town of Steen

1. Be it enacted by the general assembly, That a town is hereby estabrodincorporated lished on the land of Daniel Steenrod in the county of Ohio, including all that part of the farm on which said Steenrod resides, lving east of the town of Fulton and north of Wheeling creek; and the inhabitants thereof are hereby incorporated as a town, by the name of "Steenrod," subject to the provisions of the Code of Virginia.

Trustees to be elected; their

2. There shall be five trustees of said town elected annually, and holding office for the term of one year, and until their successors shall be qualified.

3. The first election of trustees shall be held on the first Saturday in

First election

when to be held. May next, at the said dwelling-house, under the direction of Abraham Bedillion. Adam Fichner, Robert Crowl and George Miller, or any Subsequent elec. three of them; and thereafter elections for trustees shall be held at such times and places and in such manner as the ordinances of the town shall prescribe.

tions. Commencement

4. This act shall take effect from its passage.

CHAP. 406.—An ACT to incorporate the town of Upperville. [Passed March 31, 1852.]

Town of Upperville incorporated.

1. Be it enacted by the general assembly, That the town of Upperville in the county of Fauquier, as the same has heretofore been laid off into lots, streets and alleys, and as the same may be hereafter laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Upperville;" and by that name shall have and exercise the powers conferred upon towns by, and be subject to the provisions of, the fifty-fourth chapter of the Code of Virginia.

2. The officers of the said town shall consist of a mayor, five councilmen and a sergeant, who shall be elected by the white male inhabitants of the said town of the age of twenty-one years and upwards, who

The said election shall take place on the

Corporate powers. Mayor, council and sergeant, how elected.

shall have been residents thereof six months, and of the state two years Election, when to take place, and first Monday in May annually; and the mayor and councilmen shall con-

Mayor ex officio justice of peace.

Election, when, where and by whom held.

Regulations for government of iown.

Commencement.

tinue in authority until the first Monday in May in each succeeding year, and until others shall be qualified in their stead, and no longer. 3. That the mayor of the said town shall be and he is hereby constituted ex officio justice of the peace within the limits of the said town.

4. William A. Stephenson, Thomas N. Latham and Robert McArter are hereby authorized to hold an election, agreeably to the chapter aforesaid, for said officers, on the first Monday in May next, at Yerby's hotel in the said town.

5. The fifty-fourth chapter of the Code of Virginia shall be held and deemed a part of this act, so far as the provisions of said chapter are not in conflict with the provisions of this act.

6. This act shall be in force from its passage.

next preceding the election.

CHAP. 407.—An ACT to amend the charter of the town of Warrenton. [Passed April 9, 1852.]

Council of Waelected. Who eligible to

Who entitled to

Yote.

Elections, when to take place.

1. Be it enacted by the general assembly, That the council of the town reaton, how con of Warrenton shall consist of a mayor, recorder and seven aldermen, stituted and who shall be elected annually by the qualified voters of the said town; and all persons qualified to vote in the said elections shall be eligible to either of the said offices.

2. Every white male citizen of the commonwealth, who for twelve months next preceding any election, has resided in the said town, and is qualified to vote for members of the general assembly, and no other persons, shall be qualified to vote in all elections under this charter.

3. The first election for a mayor, recorder and aldermen, under this amended charter, shall be held on the fourth Saturday of April eighteen hundred and fifty-two; and thereafter elections for the same shall be held on the fourth Saturday of April of every succeeding year.

4. The votes for all officers elective under this charter shall be given Votes, how given. openly, viva voce, as prescribed by the fourth section of the third article of the constitution; but at the time a vote is given, the officer or officers conducting the election shall receive of each voter a paper or ticket, (with his name written on it,) which shall specify the names of the persons for whom he votes, and for what office.

5. The elections shall be conducted by the sergeant of the town, Elections, how under such supervision, at such place, and under such rules and regula- and where contions as the council may prescribe. If the sergeant be absent or incapable of acting, the elections shall be conducted by such person as the su-

pervisors may appoint.

6. The council may prescribe the manner of declaring and certifying Elections, how elections, of determining contested elections, of deciding between two certified; con or more when the greatest number of votes shall be equal, and of filling tested elections. vacancies in the said offices.

7. The council in existence at the time of any election shall judge of who to judge of the election, qualification and returns of the members newly elected; and elections, qualifishould any person returned be adjudged unduly elected, or not qualified turns. to hold the office for which he is chosen, a special election to fill the va- special elections. cancy shall be held. It shall be the duty of the mayor, as soon as may Meeting of counbe after an election, and within ten days thereafter, to call a meeting of cil, how called. the council to examine the returns; and the council shall forthwith cause Persons elected. the persons elected to be notified of their election. 8. A majority of the council shall constitute a quorum to do business, Quorum of

but each member, before he enters upon his office, shall take an oath council faithfully to discharge the duties thereof; a certificate of which oath shall Oath of office. be entered of record in the minutes of their proceedings.

9. The council of said town of Warrenton shall have power to lay off Powers of streets, walks or alleys; alter, improve and light the same, and have council. them kept in good order; to lay off public grounds, and provide all buildings proper for the town; to prescribe the times for holding markets, and regulate the same; to prevent injury or annoyance from anything dangerous, offensive or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gunpowder or other combustibles, and provide magazines for the same; to provide, in or near the town, water works and places for the interment of the dead; to prevent the pollution of the water and injuries to the water works; for which purpose their juris- Jurisdiction of diction shall extend to a mile above the same; to provide for the regular council. building of houses in the town; to make regulations for the purpose of guarding against danger from accidents by fire, and, on the petition of the owners of not less than two-thirds of the ground included in any square, to prohibit the erection in such square of any building, or an addition to any building, more than ten feet high, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and provide for the removal of any building or addition erected contrary to such prohibition; to provide for the weighing and measuring of hay, coal or any other articles for sale, and regulate the transportation thereof through the streets; protect the property of the town and its inhabitants, and preserve peace and good order therein. For carrying into effect these By-laws and and their other powers, they may make ordinances and by-laws con-ordinances. sistent with the laws of the state, and prescribe fines or other punishment for violations thereof; keep a town guard; appoint or cause to be Power to appoint elected, by the qualified voters of said town, a collector of its taxes and officers, and property of the collection of levies, and such other officers as they may deem proper; define their ties and pay. powers, prescribe their duties and compensation, and take from any of Bonds of officers. them a bond with sureties, in such penalty as to the council or board may seem fit, payable to the town by its corporate name, and condi-

tioned for the faithful discharge of the said duties. 10. The council of said town of Warrenton may, when anything for Power to impose which a license is so required is to be done within the town, impose a taxes and grant licenses. town tax for the privilege of doing the same, and require a license to be obtained therefor, and in any case in which it sees fit, require from the person licensed bond with sureties, in such penalty and with such condition as it may deem proper, or make other regulations concerning the

Town levy authorized. same. It may also impose a tax and require a license to be obtained for the privilege of keeping in the town for hire any wheeled carriage.

11. The said council shall annually cause to be made up and entered on its journal an account of all sums lawfully chargeable on the town, which ought to be paid within one year, and order a town levy of so much as in its opinion is necessary to be raised in that way, in addition to what may be received for licenses and from other sources. so ordered may be upon the free male persons in the said town above the age of sixteen years, and upon any property in the said town, and on such other subjects as may at the time be assessed with state taxes against persons residing in the town: Provided, That the tax on real estate shall not exceed five per centum per annum on the annual value thereof.

Tax on real estate limited.

Market-house. Part of public square to be used therefor.

ty court to be obtained.

Commissioners to designate site for market.

Salaries of may-

or and recorder. Corporate

powers.

What acts to remain in force, and what renealed.

12. The council may cause a market-house to be erected on the lower end of that part of the public square in said town which lies in the rear of the clerk's offices; and upon the erection thereof, so much of the said square as shall be used for that purpose, not exceeding thirty feet in Consent of coun-width, shall be vested in the council for the use of the said town. before such market-house shall be erected, permission to erect the same shall be obtained from the county court of the said county of Fauquier, to grant which a concurrence of a majority of the acting justices of the said county shall be necessary. If such permission be given, the site for the said market-house shall be particularly designated by commissioners appointed for that purpose by the said court, whose report being returned to and approved by the court, shall be entered of record.

13. Such salaries may be annexed to the officers of mayor and recorder, as the council may from time to time determine upon.

14. The corporate name of the said town shall hereafter be "The Corporation of Warrenton."

15. All acts and parts of acts respecting the town of Warrenton, heretofore passed, which do not conflict with the provisions of this act, and are not substituted thereby, shall continue in force, and all acts and parts of acts in conflict with this act or substituted thereby, are hereby repealed.

Commencement

16. This act shall be in force from its passage.

CHAP. 408.—An ACT to incorporate the town of Waterford in the county of Loudoun.

[Passed May 22, 1852.]

Town of Waterford incorporated.

Corporate powers.

Officers of town, how and when elected.

Their term of office.

Mayor to be a justice.
President of

council.

How questions decided in coun-

1. Be it enacted by the general assembly, That the town of Waterford in the county of Loudoun, as the same has heretofore been laid off into lots, streets and alleys, or as the same may hereafter be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of Waterford;" and by that name shall have and exercise the powers conferred upon towns by, and be subject to the provisions of, the fifty-fourth chapter of the Code of Virginia.

2. The officers of the said town shall consist of a mayor, recorder, seven councilmen and a sergeant, who shall be elected by the citizens of said town qualified to vote for members of the general assembly. The said election shall take place on the first Monday in May, annually, after the present year; and the mayor and officers aforesaid shall continue in authority until the first Monday in May next succeeding their election, and until their successors shall be qualified.

3. The mayor shall be and he is hereby constituted ex officio justice of the peace within the limits of said town. In all meetings of the common council he shall preside, if present: if he be absent, the re-corder; and if both the mayor and recorder be absent, the common council shall appoint one of their own number to preside for the time being.

4. All questions before the common council shall be decided by a majority of the members present, and each member shall have one vote, except the person presiding, who shall vote only when the board is equally divided.

5. John B. Dutton, William Wood, C. F. Reid, A. H. Haines and Who to hold William Nettle, or any three of them, are hereby authorized to hold an elections, and election, at such place in said town as may be designated by said commissioners, after ten days' public notice, agreeably to the provisions of the chapter aforesaid, for said officers on the first Monday in July next.

6. The fifty-fourth chapter of the Code of Virginia shall be held a Regulations for part of this act, so far as the provisions of said chapter are not in con-government of the con-town.

flict with this act.
7. This act shall be in force from its passage.

Commencement.

CHAP. 409.—An ACT to incorporate the town of West Columbia in the county of Mason.

[Passed May 1, 1852.]

1. Be it enacted by the general assembly, That the town of West Co-Town of West lumbia in the county of Mason, as the same has heretofore been laid off Columbia incorinto lots, streets and alleys, and as the same may hereafter be laid off porated. into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The Town of West Columbia;" and by that Corporate name shall have and exercise all the powers conferred upon towns by powers. the fifty-fourth chapter of the Code of Virginia, and be subject to all the provisions of said chapter of the Code.

2. The officers of said town shall consist of five trustees, who shall Council and compose the council, three of whom can act, and a sergeant, who shall sergeant.

hold their offices for one year or until their successors are appointed.

3. James Saunders, Samuel Yager, Abraham Williams, Abednego Elections for offi-Shearman and Arthur Brock, or any three of them, are hereby autho-cers, when and how held, and rized to hold an election on the first Saturday in June next, for the offi-by whom. Said election shall be conducted agreeably to the aforesaid chapter of the Code of Virginia.

 Elections for the officers aforesaid shall be held annually on the Annual elections, when held.

first Saturday in the month of June.

5. This act shall be in force from its passage.

Commencement.

CHAP. 410.—An ACT providing for the election of a mayor in the town of Weston, and prescribing his powers and duties.

[Passed April 21, 1852.]

1. Be it enacted by the general assembly, That whenever a poll shall Mayor of Weshereafter be opened for the election of trustees of the town of Weston ton, when and in the county of Lewis, or at such other time as the trustees of said how elected. town by ordinance may prescribe, it shall be lawful and the duty of the qualified voters of said town to elect a mayor for said town.

2. That the said election shall be conducted by the same officer, under Election, how the same regulations, and shall be certified in the same manner as the conducted. election of trustees of said town are now required to be conducted and certified; and persons qulified to vote in the election of trustees of said Who to vote. town, under the laws now in force in relation thereto, shall be qualified

to vote in the election of a mayor for said town.

3. That so soon as the said mayor shall be notified of his election, it Oaths of mayor. shall be his duty to take the several oaths prescribed by the thirteenth chapter of the Code of Virginia; and unless he do so within thirty days after being notified of his election, he shall forfeit and pay the same amount incurred by a trustee of said town for a failure to qualify, and his office shall be deemed vacant.

4. The said mayor, when so elected and qualified, shall have authority Powers and jurisand jurisdiction to hear and determine all matters in controversy arising diction of mayor. under the laws and ordinances of the trustees of said town, as fully and effectually as a justice of the peace of the county of Lewis may hear and determine the same, and shall be a conservator of the peace within the corporate limits of said town, and within said corporation shall and may exercise all the powers given to a conservator of the peace by chapter two hundred and one of the Code of Virginia. But nothing herein contained shall be construed to give to the mayor of said town

jurisdiction over any civil case not arising under the laws and ordinances of said town, nor to restrain a justice of the peace of the county of Lewis from exercising concurrent jurisdiction with said mayor in the enforcement of said laws and ordinances.

Commencement.

- 5. This act shall be in force from its passage.
- CHAP. 411.-An ACT to amend the second section of an act, entitled "an act releasing to the heirs of Peter Lower and John Welman the commonwealth's right to certain lands therein mentioned," passed January 11th, 1851.

[Passed February 10, 1852.]

State's right to land released to John Wellman.

1. Be it enacted by the general assembly, That the second section of the act, entitled "an act releasing to the heirs of Peter Lower and John Welman the commonwealth's right to certain lauds therein mentioned," passed January eleventh, eighteen hundred and fifty-one, be so amended as to read as follows: That all the estate, right, title, interest and claim whatever, which have accrued to the commonwealth of Virginia, or to the president and directors of the Literary fund, in or to two tracts of land lying and being in the county of Wayne, conveyed by William Thompson to John Welman, by deeds bearing date the sixth day of November eighteen hundred and forty-seven, and the seventeenth day of January eighteen hundred and thirty-three, the former of record in the county of Wayne, and the latter of record in the clerk's office of the county of Cabell, shall be and the same is hereby released, transferred Saving rights of and vested in the said John Welman, his heirs and assigns; saving, however, to all bodies politic and corporate other than the commonwealth, any right, title, interest, claim or estate which they or any of them might or would have had in or to the said tracts of land hereinbefore mentioned, in the same manner as if this act had never passed.

others

Commencement. 2. This act shall be in force from its passage.

> CHAP. 412.—An ACT releasing to the widow and daughters of George Raincock the right of the commonwealth to a house and lot in the suburbs of Norfolk, of which John Lawrence died possessed in 1814.

[Passed March 31, 1852.]

Preamble.

Whereas it is represented to the general assembly that John Lawrence, a native of England, who resided in Norfolk from some time before the Revolutionary war until his death in eighteen hundred and fourteen, was never married, and died intestate, without any known kindred; that after his death, his countryman and friend George Raincock administered upon his estate and took possession of the house and lot in the suburbs of Norfolk, in which Mr. Lawrence had lived; that Mr. Raiucock from that time dwelt thereon, and paid taxes on the same; and that after improving the house, he died about two years ago, leaving the house and lot in the possession of his widow, Rebecca Raincock; and she has petitioned that whatever right the state has in the said house and lot may be released to her and her daughters: Now, therefore,

1. Be it enacted by the general assembly, That all the right and interest

State's right to land released to Rebecca Rainoock.

of the commonwealth and of the board of the Literary fund in and to the said house and lot shall be and the same are hereby released unto the said Rebecca Raincock for life, and after her death, unto her daugh-Saving rights of ters. But this release is in nowise to impair or affect any claim, which , if this act were not passed, could lawfully be made to the said house and lot by any persons as heirs or next of kin of the said John Lawrence; nor to impair or affect any other claim thereto than the claim of

the commonwealth and the board of the Literary fund. 2. This act shall be in force from its passage.

CHAP. 413.—An ACT releasing to Jehu Robinson and the heirs of Washington Robinson the commonwealth's right to a tract of land therein mentioned.

[Passed February 28, 1852.]

State's right to land released to Jehu Robinson and others.

1. Be it enacted by the general assembly, That all right, title and interest which the commonwealth has in and to a tract of land lying and being in the county of Taylor, and centaining four hundred acres, re-

turned delinquent for the nonpayment of taxes, in the name of William Hopkins, from the year eighteen hundred and forty-one to the year eighteen hundred and forty-nine, both inclusive, and purchased by the com-monwealth, be and the same is hereby released to Jehu Robinson and the heirs of Washington Robinson; the said tract of land having been improperly sold for the nonpayment of taxes.

2. This act shall be in force from its passage.

Commencement.

CHAP. 414.—An ACT releasing to William Yeaton the right of the commonwealth to a lot of land in the town of Alexandria.

[Passed May 3, 1852.]

1. Be it enacted by the general assembly, That all the estate, right, title State's right to and claim whatsoever, which has accrued or may accrue to the common-land released to what the whatsoever, which has accrued or may accrue to the common-land released to what the whole was the president and dispersions of the Licensey fund. wealth of Virginia, or to the president and directors of the Literary fund, in and to a lot of ground on the north side of Prince's street, east side of Pitt street, and west side of Royal street, in the town of Alexandria, recently escheated as the property of Edward Herris, shall be and is hereby released to William Yeaton, his heirs and assigns; saving, how-saving rights of ever, to all persons and bodies politic and corporate, other than the com-others monwealth, and the president and directors of the Literary fund, any right, title, interest, claim or estate which they or any of them might or would have had in and to the said lot of land, in the same manner as if this act had never passed.

2. This act shall be in force from its passage.

Commencement.

CHAP. 415.—An ACT releasing James A. Price from the payment of a judgment in favor of the commonwealth.

[Passed April 28, 1852.]

Whereas it is represented to the general assembly that James A. Price Preamble. heretofore became the bail of his son William Price, who was charged with felony; and whereas the said William failed to appear in discharge of his recognizance, and the same was forfeited to the commonwealth, and judgment was obtained thereupon against the said James A. Price on the sixteenth day of September in the year eighteen hundred and forty-six in the county court of Preston county, for the sum of one hundred and fifty dollars and costs; and whereas it is also represented that the said James A. Price is in indigent and distressed circumstances, with a large and helpless family dependent upon him for support, and that he has not sufficient property to pay the amount of said judgment; and it is further represented that the said William Price could not have been convicted of the offence charged had he appeared in discharge of his recognizance: Therefore,

1. Be it enacted by the general assembly, That the said James A. Price Jas. A. Price rebe and he is hereby released and discharged from the payment of said leased from a judgment. judgment.

2. This act shall be in force from its passage.

Commencement.

CHAP. 416.—An ACT releasing to Peyton L. Richards and James Thomas the amount of a judgment recovered against them by the commonwealth.

[Passed April 29, 1852.]

1. Be it enacted by the general assembly, That the sum of two hundred Judgment redollars, the amount of a judgment recovered by the commonwealth leased to James against James Thomas and Peyton L. Richards, in the circuit court of Thomas and Peyton L. Richards. Albemarle, on the eleventh day of October eighteen hundred and thirtyone, for failing to keep the conditions of a bail bond or recognizance, shall be and the same is hereby released and remitted to the said Thomas and Richards.

2. This act shall be in force from its passage.

Commencement

CHAP. 417.—An ACT authorizing Thomas Ash of the county of Gloucester to search for and recover the guns and any property which may have been sunk with an English frigate at Yorktown, and relinquishing the commonwealth's right thereto.

[Passed May 1, 1852.]

Thomas Ash authorized to frigate.

1. Be it enacted by the general assembly, That Thomas Ash of the county of Gloucester be and is hereby authorized to search for and research for guas, &c. in an English cover, by diving bells or any other means, the guns and equipments, coin or other article of value, which may have belonged to or have been contained within an English frigate or vessel, which was sunk in York river, opposite to or near Yorktown, about the time of the war of the Revolution.

State's right thereto released to him.

2. That the said Thomas Ash shall have the exclusive privilege and right to search for and recover such property as is mentioned in the preceding section, for the period of ten years, and the state hereby relinquishes to him all her title to such property as may be recovered within the time specified by this act.

Commencement.

3. This act shall be in force from its passage.

CHAP. 418.—An ACT to authorize the Board of public works to deliver to James S. French the engine used on the experimental railway.

[Passed June 1, 1852.]

Engine to be de-livered to James S. French.

1. Be it enacted by the general assembly, That the Board of public works be and they are hereby authorized and empowered to transfer and deliver to James S. French the engine used by him on the experimental railway, he having furnished the same at his individual expense, the appropriation having been exhausted without computing the cost of the engine.

Commencement.

2. This act shall be in force from its passage.

CHAP. 419.—An ACT releasing a fine to Captain Theophilus Minor of the one hundred and fifty-fourth regiment of militia.

[Passed June 2, 1852.]

Fine released to Theophilus Minor.

1. Be it enacted by the general assembly, That a fine of twenty dollars imposed upon Captain Theophilus Minor of the one hundred and fiftyfourth regiment of militia, by the court of enquiry of said regiment, for failure to make return to the colonel of this regiment, of a certificate of his qualification to his commission as captain, shall, if the same be uncollected, be released to him, in the hands of the officer who may have the same for collection; and if the same has been collected and paid into the treasury, then the auditor of public accounts is hereby directed to issue his warrant upon the treasury, payable out of any money not otherwise appropriated, in favor of said Captain Theophilus Minor for the sum of twenty dollars.

Commencement.

2. This act shall be in force from its passage.

CHAP. 420.—An ACT for the relief of John T. Arnall of the county of Augusta. [Passed May 1, 1852.]

Sum allowed John T. Arnall for arresting rioters.

1. Be it enacted by the general assembly, That the first auditor be and he is hereby required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of John T. Arnall, or his legal representative, for the sum of ninety-seven dollars and sixty-five cents, for services rendered and expenses incurred in arresting fifty-six of the rioters on the Virginia Central railroad in February eighteen hundred and fifty.

Commencement.

2. This act shall be in force from its passage.

CHAP. 421.—An ACT refunding to Thomas F. Conoway money paid by him for the board of jurors.

[Passed February 24, 1852.]

Sum allowed

1. Be it enacted by the general assembly, That the auditor of public Thomas F. Cono-accounts be and he is hereby authorized and required to issue his warway for boarding rant on the treasury (payable out of any money therein not otherwise iurors.

appropriated) in favor of Thomas F. Conoway, deputy sheriff in Marion county, for the sum of twenty-eight dollars, it being for money paid by him for the board of jurors the day they were empanneled in the trial of David Riely, Michael Dolan, Ferrel McDonald and Daniel McCue, at the May term of the circuit court of Marion county in the year eighteen hundred and fifty-one.

2. This act shall be in force from its passage.

Commencement

CHAP. 422.—An ACT for the relief of Armistead Davis and G. R. C. Jarvis of Gloucester county.

[Passed June 2, 1852.]

1. Be it enacted by the general assembly, That the auditor of public Tax refunded to accounts be and he is hereby authorized and directed to issue his war- Armistead Davis rant on the treasury, payable out of any money therein not otherwise vis. appropriated, in favor of Armistead Davis and G. R. C. Jarvis, or their legal representative, for the sum of fifteen dollars, improperly paid by them as a portion of merchants' license tax for the year eighteen hundred and forty-eight.

2. This act shall be in force from its passage.

Commencement

CHAP. 423 .- An ACT for the relief of John Felton. [Passed June 4, 1852.]

1. Be it enacted by the general assembly, That F. H. Pierpont, John H. Commissioners Martin and James L. Randolph are hereby appointed commissioners to to assess value of examine, enquire into and report to the adjourned session of the legisla- John Felton and ture, at its first day of meeting, the amount of extra work done on sec-Benj'n Jordan. tions five and ten of the Ohio river and Maryland turnpike road by John-Felton and Benjamin Jordan, contractors, brought about by land slides and additional work in a change of the location of said road, to give place to the location of the Baltimore and Ohio railroad.

2. The commissioners aforesaid shall, before entering upon their du-Oath of Commisties, take an oath before a justice of the peace in and for Marion county, sioners. faithfully and impartially to discharge the same, and they are hereby re- When to comquired to enter upon their said duty on or before the first day of Sep-mence their duty. tember next.

3. This act shall be in force from its passage.

Commencement.

CHAP. 424.—An ACT for the relief of Joshua C. Gunnell of the county of Fairfax.

[Passed April 6, 1852.]

1. Be it enacted by the general assembly, That the auditor of accounts Account of Josh be and he is hereby authorized and required to issue his warrant on the us C. Gunnell to be paid. treasury, payable out of any money therein not otherwise appropriated, in favor of Joshua C. Gunnell, or his legal representatives, for the sum of thirty-one dollars, for supplies furnished by said Gunnell to a company of volunteers for the Mexican war, commanded by the late Captain Henry Fairfax.

2. This act shall be in force from its passage.

Commencement

CHAP. 425.—An ACT for the relief of Stephen Harnsbarger of the county of Rockingham.

[Passed June 2, 1852.]

1. Be it enacted by the general assembly, That the first auditor be and Taxes refunded he is hereby required to issue his warrant on the treasury, payable out to Stephen of any money therein not otherwise appropriated, in favor of Stephen Harnsbarger, or his legal representative, for the sum of forty-six dollars and thirty-five cents; being the amount of taxes which said Harnsbarger paid for land over and above what the same was assessed at from the year eighteen hundred and forty to the year eighteen hundred and fortynine, inclusivo.

2. This act shall be in force from its passage.

Commencement

CHAP. 426 .- An ACT for the relief of Scervant Jones. [Passed April 14, 1852.]

Sum allowed Scervant Jones for corn furnished lunatic asylum.

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrant upon the treasury, payable out of any money therein not otherwise appropriated, in favor of Scervant Jones of the city of Williamsburg, for the sum of seven hundred and ninety dollars, for and in consideration of a quantity of corn meal furnished by said Jones to the Eastern lunatic asylum during the year one thousand eight hundred and forty-seven.

Commencement.

2. This act shall be in force from its passage.

CHAP. 427.—An ACT for the relief of Aaron F. McKendree. [Passed June 4, 1852.]

Sam allowed Adjutant Aaron F. McKendree.

1. Be it enacted by the general assembly, That the first auditor be and he is hereby required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Aaron F. McKendree, or his legal representative, for the sum of sixty-four dollars, for his services as adjutant of the one hundred and twentieth regiment for four years.

Commencement.

2. This act shall be in force from its passage.

CHAP. 428.—An ACT for the relief of William H. Muir of the town of Alexandria.

[Passed March 4, 1852.]

Account of Wm. H. Muir to be

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of William H. Muir, or his legal representative, for the sum of fifty-three dollars and twenty cents, for supplies furnished by said William H. Muir to a company of volunteers for the Mexican war, commanded by the late Captain Henry Fairfax.

Commencement.

2. This act shall be in force from its passage.

CHAP. 429.—An ACT for the relief of Allen T. Overby of the county of Patrick.

[Passed May 6, 1852.]

Pine remitted to

1. Be it enacted by the general assembly, That the auditor of public ac-Allen T. Overby. counts be and he is hereby authorized and required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Allen T. Overby, or his legal representative, for the sum of twenty dollars, the amount of a fine imposed on said Overby by the circuit court of the county of Patrick, at the September term eighteen hundred and fifty-one.

Commencement.

2. This act shall be in force from its passage.

CHAP. 430.—An ACT allowing Joseph Remley compensation for a stand of colors.

[Passed March 12, 1852.]

Joseph Remley paid for a stand f colors.

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Joseph Remley, or his legal representative, for the sum of forty dollars, for a stand of colors furnished the one hundred and twenty-seventh regiment of Virginia militia by said Remley.

Commencement

2. This act shall be in force from its passage.

CHAP. 431.—An ACT for the relief of James B. Westlake. [Pasted April 28, 1852.]

Expenses of exlako.

1. Be it enacted by the general assembly, That the first auditor be and tra guards for he is hereby required to issue his warrant on the treasury, payable out James B. West of any money therein not otherwise appropriated, in favor of James B. Westlake, or his legal representative, for the sum of fifty-seven dollars, for expenses incurred by said Westlake in the employing extra guards in conveying convicts to the penitentiary.

Commencement.

2. This act shall be in force from its passage.

RESOLUTIONS.

No. 1.-Resolutions in relation to the decision of the supreme court of the United States in the Wheeling bridge case.

[Adopted May 26, 1852.]

1. Resolved by the general assembly, That the senators from this state Controversy relabe instructed and the representatives requested to urge upon congress tive to Wheeling the necessity for such legislation as shall speedily adjust the controversy bridge to be adrespecting the wire suspension bridge at the city of Wheeling, so as to justed. preserve the same as at present existing; and that they procure the en-Regulation of actment of such laws as shall be necessary and proper for the regulation commerce on of commerce on the Ohio river, defining the extent to which piers may be erected therein, and the elevation at which bridges may be constructed over the same, so as to prevent the occurrence of all similar controversies in future.

2. Resolved, That the governor be requested to communicate to the Resolutions to be 2. Resolved. That the governor os requested to communicate to the sent to members senators and representatives of this state in the congress of the United of congress.

States, a copy of the foregoing resolution.

No. 2.—Preamble and resolutions in relation to military land warrants. [Adopted April 12, 1852.]

The committee of claims, to whom were referred the petitions of Nor-Report of comborne E. Sutton, S. H. Parker, J. B. Southall, G. W. Camp and sundry mittee. ethers, heirs at law of officers who served in the Virginia line in the war of the Revolution, asking that certain Revolutionary military land warrants by them held may be satisfied by appropriations from the treasury of the state, have had the same under consideration, and submit the following report:

That there are before the committee numerous petitions of citizens of the state, the prayer of all which is, that numerous land warrants, issued to the petitioners for the military services of their ancestors in the Virginia line in the war of the Revolution, may be discharged, either in land

or by equivalent appropriations of the treasury.

The petitioners allege that there is a manifest obligation on the part of the United States to make provision for the satisfaction of these warrants; that that obligation has been acknowledged by the passage of three several acts of congress making appropriations for the satisfaction of Virginia land bounties; that the appropriations made by those acts have proved insufficient; and that, despairing of justice from congress, they are compelled to appeal to Virginia for relief.

The petitioners raise the question of the state's liability to make good

these warrants, in the following language:

"Your memorialists humbly conceive that Virginia is bound by every consideration to make good the warrants they now hold, either in land or its fair equivalent in money. Those warrants were issued from the land office of Virginia in pursuance of Virginia laws, in compliance with Virginia engagements, and for services rendered in the Virginia armies that fought and won the battles of the Revolution. If the federal government will not do its duty in the premises, Virginia should not shrink from doing hers. If the former repudiates its just obligations, it is no reason that Virginia should follow so forbidding an example. One thing is plain—some one ought to pay these claims. If the United States will not, Virginia ought. Her honor demands it. Your petitioners hold her bonds, drawn by her authorized agents and attested by her seal, and they have the right to ask, and do now ask payment."

The committee do not propose to consider, much less to admit, the liability here raised, because there is a palpable obligation on the part of the United States to provide for the outstanding warrants, and because they believe, that upon a proper representation of the subject to the congress of the United States, that body cannot fail at once to meet its ob-

ligations, by making the amplest appropriations.

But your committee are decidedly of the epinion that the subject is one eminently worthy of the grave consideration of the general assembly. There are hundreds of the citizens of this state, who hold land warrants in pursuance of her land bounty laws, passed during the period of the Revolution; and the least the state can do is to take the necessary steps to procure from the federal government the recognition of these claims, and the means for their liquidation. And the less time should be lost, because congress is every day voting away the public lands to almost every conceivable object.

Instead, therefore, of advising the payment of these claims by appropriations from the treasury, your committee suggest that the subject be urged upon the immediate and earnest attention of our senators and representatives in congress; and to this end they recommend the imme-

Whereas Virginia, by various acts of her general assembly, passed during the period of the Revolutionary war, offered certain bounties in

diate adoption of the following preamble and resolutions:

land to those of her citizens who should engage in her military service; and whereas many of her citizens did engage in her service, and by so engaging, entitled themselves to the bounties promised; and whereas to provide for these bounties, a large and amply sufficient portion of her public domain, between the Ohio, Mississippi and Tennessee rivers was set apart by the resolution of her general assembly of the nineteenth December 1778, (see Hening's Statutes at large, vol. 10, pp. 55, 56;) and whereas the cession of the northwest territory was made by Virginia to the United States, on the express condition, that if the reservation made by her for the bounties aforesaid should from any cause prove insufficient, the deficiency should be made up by the United States, in good lands to be laid off between the Scioto and Miami rivers; and whereas the United States accepted the said cession, on the condition hereinbefore recited; and whereas also the government of the United States did, by its own acts, to wit, (the treaties of Hopewell, concluded with the Cherokee and Chickasaw Indians, in the years 1785 and 1786,) transfer and guarantee to the said Indians a large portion of the lands reserved by Virginia for the land bounties of her officers and soldiers; and whereas, by the acceptance of the said cession and by the acts before stated, the government of the United States became both equitably and legally bound to make good to Virginia any deficiency occurring in the fund by her provided for the satisfaction of her promised bounties;

Further appropriation of scrip for military land bounty warrants saked for.

United States: Therefore,

1. Resolved by the general assembly of Virginia, That our senators in congress be instructed and our representatives requested to use their best exertions to procure the passage of a law making a further appropriation of scrip to satisfy the Virginia military land bounty warrants now outstanding; and, to this end, that our said senators be instructed, and our representatives requested to introduce in the senate and house of representatives respectively a bill providing for such appropriation of scrip.

and whereas, for the reasons before expressed, the reservation made by Virginia did prove insufficient, and there are now outstanding numerous land bounty warrants issued by Virginia to the heirs at law of those whe fought her battles in the war of independence, which, on manifest principles of justice, ought to be provided for by the government of the

Preamble.

And whereas the law of Virginia, allowing the presentation of land bounty claims, has expired by limitation, and ought not to be revived: Therefore,

Appropriation to 2. Be it further resolved, That our said senators be instructed and our be accepted in representatives requested to accept such appropriation of scrip as a full discharge of all claim of this state upon the United States, on account government.

Preamble.

of the land bounties of her officers and soldiers for services in the war of the Revolution.

3. Resolved, That the governor of this commonwealth transmit to Resolutions to be each of our senators and representatives in congress a copy of the fore-of congress. going report, preamble and resolutions.

No. 3.—Resolution allowing bounty land to the heirs of Ambrose Walden.
[Adopted February 26, 1852.]

The committee of claims, to which was referred the petition of John Preamble. Walden and others, heirs of Ambrose Walden, have, according to order, had the same under consideration, and have adopted the following resolution:

Resolved by the general assembly, That the prayer of the petition is Bounty land alreasonable, and that they are entitled to the bounty in land of a lieute-lowed heirs of nant in the continental service for three years, and that the register of Walden. the land office issue a warrant accordingly.

No. 4.—Preamble and resolution providing for the presentation to congress of a petition to secure, for the officers and men of the Petersburg volunteers, pay and emoluments for services rendered by them in the war of 1812.

[Adopted May 31, 1852.]

Whereas it is represented to this general assembly that a petition is Preamble. about being presented to the congress of the United States, by John H. Saunders, Reuben Clements and Thomas B. Bigger, for themselves and their comrades, who served in the company commanded by Captain Richard McRae, as the Petersburg volunteers in the war of eighteen hundred and twelve, asking that the survivors of that gallant band, and the heirs of those deceased, may receive the pay and emoluments to which they were by law entitled: Whereas the people of the commonwealth of Virginia remember with just pride the services and conduct of the Petersburg volunteers, whose merit was nobly attested by the following general order discharging them from service:

("GENERAL ORDERS.)

HEAD QUARTERS, Detroit, 17th October 1813.

The term of service for which the Petersburg volunteers were engaged having expired, they are permitted to commence their march to Virginia as soon as they can be transported to the south side of the lake.

In granting a discharge to this patriotic and gallant corps, the general feels at a loss for words adequate to convey his sense of their exalted merits. Almost exclusively composed of individuals who had been nursed in the lap of ease, they have for twelve months borne the hardships and privations of military life, in the midst of an inhospitable wilderness, with a cheerfulness and alacrity which has never been surpassed. Their conduct in the field has been excelled by no other corps; and whilst in camp, they have set an example of subordination and respect for military authority to the whole army. The general requests Captain McRae, his subalterns, noncommmissioned officers and privates to accept his warmest thanks, and bids them an affectionate farewell.

By command.

ROBERT BUTLER, Acting Assistant Adjutant General."

Resolved unanimously, That the senators of Virginia be instructed and Petition of Peters representatives in congress be requested to present said petition to tersburg voluntheir respective houses, and to use their best exertions to secure, for sented to conthe officers and men of the Petersburg volunteers, such pay and emolu-gress. ments as they were by law entitled to, and which have not heretofore been received by them.

No. 5.—Resolution relative to the trade in guano.

[Adopted May 25, 1852.]

Arrangements to

Resolved by the general assembly of Virginia, That the senators be inmake trade in guano free, asked structed and the representatives in congress from this state be requested for. to procure, if practicable, such commercial arrangements to be made by the general government with the countries furnishing guano, as will open the trade in that article to the free competition of all our citizens, and break up the monopoly now engrossed by a few.

No. 6.—Resolutions explanatory of the act providing for judicial elections, passed at the present session of the general assembly.

[Adopted June 7, 1852.]

Provision relative

1. Be it resolved by the general assembly, That if any officers have to attendance of returning officers failed, or shall fail, to attend at the time and place prescribed by the n judicial electric sixth section of the act passed at the present session of the general assembly, prescribing the times for the commencement of the official terms of the judges, under the amended constitution, and providing for their election by the voters, the business shall stand adjourned from day to day until such attendance is had and the returns made.

Forms of returns.

2. In all cases of elections conducted under said act by officers other than sheriffs and sergeants, the forms of the returns prescribed by the eighth section of said act shall be adapted to the case.

No. 7.—Resolution in relation to the amended charter of Alexandria. [Adopted June 2, 1852.]

When act amending charter of Alexandria to take effect.

Resolved by the general assembly, That the act to amend the charter of the city of Alexandria, passed May seventh, eighteen hundred and fiftytwo, shall take effect from and after the time at which it may be adopted by the people of said city, subject to all the provisions contained in said

No. 8.—Resolution authorizing the council of the city of Alexandria to loan the bonds of the city to the Chesapeake and Ohio canal company to enable said company to repair its canal.

[Adopted May 3, 1852.]

Loan of bonds of Alexandria to Chesapeake and Ohio canal company.

Resolved by the general assembly of Virginia; That the common council of Alexandria be and is hereby authorized to loan the bonds of the corporation to the Chesapeake and Ohio canal company, to the amount of ten thousand dollars, bearing interest, to be used in providing the means of repairing the damages caused to their canal by the late

Security for loan, freshet in the Potomac river: the corporation to be secured against loss by the bonds of said company for an equal amount, bearing like interest, and secured by a prior lien upon the tolls to be received upon the canal: Provided, Such lien shall not impair any security the state now has in respect to the bonds of the company now guaranteed.

> No. 9.—Resolution making applicable to the counties of Marshall and Wetzel, respectively, the provisions of an act passed the present session of the general assembly providing for opening and keeping in repair the county roads in the counties of Monongalia, Marshall and Wetzel.

> > [Adopted June 5, 1852.]

Act concerning roads in Monon-galia made appli-cable to Wetzel and Marshall.

Resolved by the general assembly, That the provisions of the act providing for the opening and keeping in repair of the county roads of Monongalia, Wetzel and Marshall, passed at the present session of the general assembly, so far as it authorizes the same to be submitted for ratification or rejection to the people of Monongalia, shall be deemed and held to apply to the counties of Wetzel and Marshall, respectively; and all acts required by said act to be done by the county court of Monongalia county, shall be done by the county courts of Marshall and Wetzel, respectively.

No. 10.—Resolution to authorize the governor to appoint assistant clerks in the executive department.

[Adopted June 7, 1852.]

Resolved by the general assembly, That the governor be authorized to Governor to apemploy temporarily such assistant clerks as may be necessary to enable point assistant the secretary of the commonwealth to prepare the commissions of tive department judges, justices and other officers required by law to be commissioned by the governor, and that the compensation of such clerks, which shall Their pay. not exceed fifty dollars a month for each, shall be paid out of the contingent fund.

No. 11.—Resolution relative to the printing and binding of the acts of assembly, and the journal of the house of delegates, with the documents appended thereto.

[Adopted June 5, 1852.)

Resolved by the general assembly, That the duties which, under the Printing the acta, twentieth chapter of the Code of Virginia, are to be performed by the stocked the stocked by the sto public printer for his annual salary, and the duties which, under the journals. fourteenth section of the fifteenth chapter of said Code, are to be performed by the clerk of the house of delegates, and the duties which are to be performed by the said clerk and printer under the resolutions adopted the twenty-second March eighteen hundred and fifty-one, providing for the publication of the sketches of the acts and resolutions of the general assembly, shall, during the present year, be performed in like manner as if the adjournment of the general assembly in this month were an adjournment sine die; and on account thereof there may be Pay therefor. paid out of the treasury such sums as could lawfully be paid if the said adjournment in this month were sine die, and no more.

No. 12.—Resolution directing reports of the officers of government for the present year to be printed and distributed to the general assembly at its adjourned . session.

[Adopted June 3, 1852.]

Resolved by the general assembly, That the several officers of go-Reports of offi-vernment, who, prior to the passage of the act concerning officers elected cers of govern-ment, when to be by joint vote of the general assembly, which passed on the twenty-first made to general of May eighteen hundred and fifty-two, were required to make annual assembly. reports to the governor, shall, notwithstanding said act, make the report so required, to the governor on or before the first day of November next, which he shall deliver to the public printer, to be printed and distributed at the adjourned session of the legislature, if there be such session held.

No. 13.—Resolution in relation to supplying the members of the general assembly with printed Muster and Pay Rolls of the officers and soldiers of the war of 1812.

[Adopted January 28, 1852.]

Resolved by the general assembly, That the auditor of public accounts Pay Rolls of the be instructed to deliver, upon application, to each member of the senate war of 1812 to be and house of delegates, one copy of the printed Muster and Pay Rolls of legislature. of the officers and soldiers of the war of eighteen hundred and twelve, directed to be printed by order of the last general assembly.

No. 14.—Resolution to furnish members of the general assembly with the internal improvement map of Virginia.

[Adopted February 2, 1852.

Resolved by the general assembly, That the Board of public works Members of as furnish, with each copy of their report ordered to be printed by the sembly to be furnished with inhouse of delegates, a copy of the internal improvement map of Virginia, ternal improverecently prepared by said board.

No. 15.-Resolution to supply the members of the general assembly with conventional documents.

[Adopted February 2, 1852.]

Members of asplied with conventional documenta.

Resolved by the general assembly, That the secretary of the comsembly to be sup- monwealth be authorized to purchase of William Cully so many bound copies of the conventional documents as will be necessary, in addition to those now in hand in his office, to supply members of the senate and house of delegates with one copy each: Provided, They can be purchased at one dollar per copy.

No. 16.—Resolution for supplying members of the senate with the Code of Virginia.

[Adopted March 15, 1852.]

Senate to be furat arms.

Resolved by the general assembly of Virginia, That the secretary of the nished the Code commonwealth be directed to furnish the sergeant at arms of the senate. of Virginia.

Duty of sergeant for the use of the senate, twelve copies of the Code of Virginia, and that it be made the duty of the sergeant at arms, at the close of the session, to deposit the same in the clerk's office of the senate for the use of future legislatures.

> No. 17.—Resolution relative to a supposed contract for the republication of the first volume of Leigh's Reports.

> > [Adopted May 1, 1852.]

Republication of first volume of Leigh's Reports suspended.

Resolved by the general assembly, That if any contract has been made by the committee on the library with Colin & Nowlan for the republication of five hundred copies of the first volume of Leigh's Reports, the same shall be and is hereby suspended until the legislature shall by law confer such power on the said committee.

No. 18.—Resolution requiring the first auditor to record in books the returns of the sales of delinquent lands.

[Adopted May 27, 1852.]

Sales of delinauditor.

Resolved by the general assembly, That the auditor of public accounts quent lands to be be required to copy into books for preservation, with a proper index to recorded by each book, the returns of sales of delinquent lands made in eighteen hundred and fifteen and eighteen hundred and sixteen, and such other evidences of the forfeiture of lands on file in his office, as he may think proper.

> No. 19.—Resolution authorizing the treasurer to countersign the notes of banks. [Adopted June 3, 1852.]

Tressurer authosign notes of banks.

Resolved by the general assembly, That the treasurer of the commonrized to counter wealth be and is hereby authorized to countersign the notes of any of the banks incorporated by the general assembly, requiring his signature; to perform that duty at such times and places as may not interfere with the regular duties of his office, at such rate of compensation as may be agreed upon between the treasurer and the officers of said bank: Provided however, That the rate of compensation shall not exceed six dollars for every thousand notes so countersigned, to be paid by the bank requiring the same: And provided further, That the said treasurer shall be subject to all the provisions of said charter prescribing his duties, and imposing penalties for a violation thereof.

His compensa-

RGINIA BILL OF RIGHTS.

[Passed June 12, 1776.]

Adopted, without alteration, by the Convention of 1829-30, and readopted, with amendments, by the Convention of 1850-51.

A DECLARATION OF RIGHTS, made by the Representatives of the good People of Virginia, assembled in full and free Convention, which rights do pertain to them and their posterity as the basis and foundation of Government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from the

people; that magistrates are their trustees and servants, and at all times

amenable to them.

3. That government is, or ought to be instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services, which, not being descendible, neither ought the offices of

magistrate, legislater or judge to be hereditary.

5. That the legislative, executive and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all, or any part of the former members to be again eligible or ineligible, as the laws shall direct.

6. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which

they have not in like manner assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is

injurious to their rights, and ought not to be exercised.

8. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without

whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines

imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury of twelve men is preferable to

any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of li-

berty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to and governed by the civil power.

14. That the people have a right to uniform government; and therefore, that no government separate from, or independent of the government of Virginia, ought to be erected or established within the limits

thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to funda-

mental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise christian forbearance, love and charity towards each other.

CONSTITUTION OF VIRGINIA.

Whereas the delegates and representatives of the good people of Vir- Presmble. ginia, in convention assembled, on the twenty-ninth day of June in the year of our Lord one thousand seven hundred and seventy-six-reciting and declaring, that whereas George the Third, king of Great Britain and Ireland and elector of Hanover, before that time entrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefits of the trial by jury, for transporting us beyond seas to be tried for pretended offences, for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people; by inciting insurrections of our fellow subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us—those very negroes, whom, by an inhuman use of his negative, he had refused us permission to exclude by law; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation and tyranny, then already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of injuries; and finally, by abandoning the helm of government, and declaring us out of his allegiance and protection; by which several acts of misrule, the government of this country, as before exercised under the crown of Great Britain, was totally dissolved—did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced, unless some regular, adequate mode of civil policy should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and delare a form of government of Virginia:

And whereas a convention held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of the commonwealth an amended constitution or form of

government, which was ratified by them:

And whereas the general assembly of Virginia, by an act passed on the fourth of March, in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss and propose a new constitution, or alterations and amendments to the existing constitution of this commonwealth; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection:

We, therefore, the delegates of the good people of Virginia, elected and in convention assembled, in pursuance of said acts, do propose to the people the following constitution and form of government for this

commonwealth:

ARTICLE I.

BILL OF RIGHTS.

Force of bill of rights.

The declaration of rights, as amended and prefixed to this constitution, shall have the same relation thereto as it had to the former constitution.

ARTICLE II.

DIVISION OF POWERS.

Division of powers between departments.

The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to either house of assembly.

ARTICLE III.

QUALIFICATION OF VOTERS.

Right of suffrage.

1. Every white male citizen of the commonwealth, of the age of twenty-one years, who has been a resident of the state for two years, and of the county, city or town where he offers to vote for twelve months next preceding an election—and no other person—shall be qualified to vote for members of the general assembly and all officers elective by the people: but no person in the military, naval or marine service of the United States shall be deemed a resident of this state, by reason of being stationed therein. And no person shall have the right to vote, who is of unsound mind, or a pauper, or a noncommissioned officer, soldier, seaman or marine in the service of the United States, or who has been convicted of bribery in an election, or of any infamous offence.

Cities and towns wards.

Places for elections. Citizens to vote in their wards. Exemption of

2. The general assembly, at its first session after the adoption of this to be laid off into constitution, and afterwards as occasion may require, shall cause every city or town, the white population of which exceeds five thousand, to be laid off into convenient wards, and a separate place of voting to be established in each; and thereafter no inhabitant of such city or town shall be allowed to vote except in the ward in which he resides.

3. No voter, during the time for holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to work upon the public roads, or to attend any court as suitor, juror or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to and returning from them.

4. In all elections votes shall be given openly, or viva voce, and not by How votes are ballot; but dumb persons entitled to suffrage may vote by ballot. given.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

1. The legislature shall be formed of two distinct branches, which Legislature, how together shall be a complete legislature, and shall be called the General composed. Assembly of Virginia.

House of Delegates.

2. One of these shall be called the House of Delegates, and shall con- House of delesist of one hundred and fifty-two members, to be chosen biennially for gates, how and by the several counties, cities and towns of the commonwealth, and chosen.

distributed and apportioned as follows:

The counties of Augusta and Rockingham and the city of Richmond Number of deleshall each elect three delegates; the counties of Albemarle, Bedford, gates to each Berkeley, Campbell, Fauquier, Franklin, Frederick, Halifax, Hamp-election district. shire, Harrison, Jefferson, Kanawha, Loudoun, Marion, Monongalia, Mouroe, Norfolk, Pittsylvania, Preston, Rockbridge, Shenandoan and Washington shall each elect two delegates; the counties of Botetourt

and Craig shall together elect two delegates.

The counties of Accomack, Alexandria, Amherst, Appomattox, Barbour, Brunswick, Buckingham, Cabell, Caroline, Carroll, Charlotte, Chesterfield, Clarke, Culpeper, Diuwiddie, Fairfax, Floyd, Fluvanna, Giles, Gloucester, Goochland Grayson, Greenbrier, Hanever, Hardy, Henrico, Henry, Highland, Isle of Wight, Jackson, King William, Lee, Lewis, Louisa, Lunenburg, Madison, Marshall, Mason, Mercer, Mecklenburg, Montgomery, Morgan, Nansemond, Nelson, Northampton, Page, Patrick, Pendleton, Pocahontas, Princess Anne, Prince Edward, Prince William, Pulaski, Putnam, Randolph, Rappahanuock, Roanoke, Scott, Smyth, Southampton, Spotsylvania, Taylor, Upshur, Warren, Wayne, Wetzel, Wood and Wythe, and the cities of Norfolk and Petersburg, shall each elect one delegate.

The counties of Lee and Scott, in addition to the delegate to be elected

by each, shall together elect one delegate.

The following counties and cities shall compose election districts: Alleghany and Bath; Amelia and Nottoway; Boone, Wyoming and Logan; Braxton and Nicholas; Charles City, James City and New Kent; Cumberland and Powhatan; Doddridge and Tyler; Elizabeth City, Warwick, York, and the city of Williamsburg; Essex and King & Queen; Fayette and Raleigh; Gilmer and Wirt; Greene and Orange; Greenesville and Sussex; King George and Stafford; Lancaster and Northumberland; Matthews and Middlesex; Pleasants and Ritchie; Prince George and Surry; and Richmond and Westmoreland-each of which districts shall elect one delegate.

At the first general election under this constitution, the county of Ohio shall elect three delegates, and the counties of Brooke and Hancock shall together elect one delegate; at the second general election, the county of Ohio shall elect two delegates, and the counties of Brooke and Hancock shall each elect one delegate; and so on, alternately, at

succeeding general elections.

At the first general election, the county of Russell shall elect two delegates, and the county of Tazewell shall elect one delegate; at the second general election, the county of Tazewell shall elect two delegates, and the county of Russell shall elect one delegate; and so on, alter-

nately, at succeeding general elections.

The general assembly shall have power, upon application of a majority of the voters of the county of Campbell, to provide, that instead of the two delegates to be elected by said county, the town of Lynchburg shall elect one delegate, and the residue of the county of Campbell shall elect one delegate.

Senate.

3. The other house of the general assembly shall be called the Senate, Senate, how and shall consist of fifty members, to be elected for the term of four elected. years; for the election of whom, the counties, cities and towns shall be divided into fifty districts. Each county, city and town of the respective districts, at the time of the first election of its delegate or delegates under this constitution, shall vote for one senator; and the sheriffs or Returning offiother officers holding the election for each county, city and town, within cers, when and five days at farthest after the last election in the district, shall meet at where to meet. the courthouse of the county or city first named in the district, and from

as senator the person who has received the greatest number of votes in Senate classified, the whole district. Upon the assembling of the senators so elected, they Term of service, shall be divided in two equal classes, to be numbered by lot. of service of the senators of the first class shall expire with that of the delegates first elected under this constitution, and of the senators of the second class at the expiration of two years thereafter; and this alternation shall be continued, so that one-half of the senators may be chosen

Senetorial dis-

every second year. 4. For the election of senators-

I. The counties of Accomack and Northampton shall form one distriet:

II. The city of Norfolk shall be another district:

III. The counties of Norfolk and Princess Anne shall form another

IV. The counties of Isle of Wight, Nansemond and Surry shall form another district:

V. The counties of Sussex, Southampton and Greenesville shall form another district:

VI. The city of Petersburg and the county of Prince George shall form another district:

VII. The counties of Dinwiddie, Amelia and Brunswick shall form another district:

VIII. The counties of Powhatan, Cumberland and Chesterfield shall form another district:

IX. The counties of Lunenburg, Nottoway and Prince Edward shall form another district:

X. The counties of Mecklenburg and Charlotte shall form another

XI. The county of Pittsylvania shall be another district:

XII. The county of Halifax shall be another district:

XIII. The counties of Henry, Patrick and Franklin shall form another district:

XIV. The county of Bedford shall be another district:

XV. The counties of Campbell and Appenattox shall form another district:

XVI. The city of Williamsburg and the counties of James City, Charles City, New Kent, York, Elizabeth City and Warwick shall form another district:

XVII. The counties of Henrico and Hanover shall form another dis-

XVIII. The city of Richmond shall be another district:

XIX. The counties of Gloucester, Matthews and Middlesex shall form another district:

XX. The counties of Richmond, Lancaster, Northumberland and Westmoreland shall form another district:

XXI. The counties of King & Queen, King William and Essex shall form another district:

XXII. The counties of Caroline and Spotsylvania shall form another district :

XXIII. The counties of Stafford, King George and Prince William

shall form another district:

XXIV. The counties of Fairfax and Alexandria shall form another district :

XXV. The county of Loudoun shall be another district:

XXVI. The counties of Fauquier and Rappahanuock shall form another district:

XXVII. The counties of Madison, Culpeper, Orange and Greene shall form another district:

XXVIII. The county of Albemarle shall be another district:

XXIX. The counties of Louisa, Goochland and Flavanna shall form another district:

XXX. The counties of Nelson, Amherst and Buckingham shall form another district :

XXXI. The counties of Jefferson and Berkeley shall form another district :

XXXII. The counties of Hampshire, Hardy and Mergan shall form another district:

XXXIII. The counties of Frederick, Clarke and Warren shall form another district:

XXXIV. The counties of Shenandoah and Page shall form another

XXXV. The counties of Rockingham and Pendleton shall form an-

XXXVI. The county of Augusta shall be another district:

XXXVII. The counties of Bath, Highland and Rockbridge shall form another district:

XXXVIII. The counties of Botetourt, Alleghany, Roanoke and Craig shall form another district:

XXXIX. The counties of Carroll, Floyd, Grayson, Montgomery and Pulaski shall form another district:

XL. The counties of Mercer, Monroe, Giles and Tazewell shall form another district :

XLI. The counties of Smyth, Wythe and Washington shall form another district:

XLII. The counties of Scott, Lee and Russell shall form another district :

XLIII. The counties of Boone, Logan, Kanawha, Putnam and Wyoming shall form another district:

XLIV. The counties of Nicholas, Fayette, Pocahontas, Raleigh, Braxton and Greenbrier shall form another district:

XLV. The counties of Mason, Jackson, Cabell, Wayne and Wirt shall form another district:

XLVI. The counties of Ritchie, Doddridge, Harrison, Pleasants and Wood shall form another district:

XLVII. The counties of Wetzel, Marshall, Marion and Tyler shall form another district:

XXLVIII. The counties of Upshur, Barbour, Lewis, Gilmer and Randolph shall form another district:

XLIX. The counties of Monongalia, Preston and Taylor shall form another district:

L. The counties of Brooke, Hancock and Ohio shall form another district.

Apportionment of Representation.

5. It shall be the duty of the general assembly, in the year one thou- Apportionment sand eight hundred and sixty-five, and in every tenth year thereafter, in of representacase it can agree upon a principle of representation, to reapportion ton. representation in the senate and house of delegates in accordance therewith; and in the event the general assembly, at the first or any subsequent period of reapportionment, shall fail to agree upon a principle of representation and to reapportion representation in accordance therewith, each house shall separately propose a scheme of representation, containing a principle or rule for the house of delegates, in connection with a principle or rule for the senate. And it shall be the duty of the How submitted general assembly, at the same session, to certify to the governor the to the vote of the people. principles or rules of representation which the respective houses may people. separately propose, to be applied in making reapportionments in the senate and in the house of delegates: and the governor shall, as soon thereafter as may be, by proclamation, make known the propositions of the respective houses, and require the voters of the commonwealth to assemble at such time as he shall appoint, at their lawful places of voting, and decide by their votes between the propositions thus pre-sented. In the event the general assembly shall fail, in the year one thousand eight hundred and sixty-five, or in any tenth year thereafter, to make such reapportionment or certificate, the governor shall, immediately after the adjournment of the general assembly, by proclamation, require the voters of the commonwealth to assemble, at such time as

he shall appoint, at their lawful places of voting, and to declare by their votes

First, whether representation in the senate and house of delegates shall be apportioned on the "Suffrage Basis;" that is, according to the number of voters in the several counties, cities, towns and senatorial districts of the commonwealth:

Or, second, whether representation in both houses shall be apportioned on the "Mixed Basis;" that is, according to the number of white inhabitants contained, and the amount of all state taxes paid, in the several counties, cities and towns of the commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation tax on free negroes, allowing one delegate for every seventy-sixth part of said inhabitants, and one delegate for every seventy-sixth part of said taxes, and distributing the senators in like manner:

Or, third, whether representation shall be apportioned in the senate on taxation; that is, according to the amount of all state taxes paid in the several counties, cities and towns of the commonwealth, deducting therefrom all taxes paid on licenses and law process, and any capitation tax on free negroes, and in the house of delegates on the "Suffrage

Basis" as aforesaid: Or, fourth, whether representation shall be apportioned in the senate on the "Mixed Basis" as aforesaid, and in the house of delegates on the "Suffrage Basis" as aforesaid: and each voter shall cast his vote in

favor of one of said schemes of apportionment, and no more.

How long polls to be kept open. When and how certified.

municate result to legislature.

When again re ferred to people.

Reapportion ment according to vote of people.

6. It shall be the duty of the sheriffs and other officers taking said polls, to keep the same open for the period of three days, and within five days after they are closed, to certify true copies thereof to the governor, who shall, as early as may be, ascertain the result of said vote, Governortocom and make proclamation thereof; and in case it is ascertained that a majority of all the votes cast is in favor of either of the principles of representation, referred as aforesaid to the choice of the voters, the governor shall communicate the result of such vote to the general assembly, at its first regular session thereafter; but in case it is ascertained that a majority of all the votes cast is not in favor of either of the principles of representation referred as aforesaid to the choice of the voters, it shall be the duty of the governor, as soon as may be after ascertaining that fact, in like manner to cause the voters to decide between the two principles of representation which shall, at such previous voting, have received the greatest number of votes; and he shall ascertain and make proclamation of the result of the said last vote, and communicate the same to the general assembly at its next regular session; and in either case, the general assembly, at the regular session thereof, which shall be held next after the taking of the vote, the result of which shall have been so communicated to it by the governor, shall reapportion representation in the two houses respectively in accordance with the principle of representation in each, for which a majority of the votes cast were given; and it shall be the duty of the general assembly in every tenth year thereafter to reapportion and distribute the number of senators and delegates in accordance with the same principle.

Qualifications of Senators and Delegates.

Qualification of senstors.

Qualification of delegates.

Disqualification.

Removals to vacate office.

7. Any person may be elected senator, who, at the time of election, has attained the age of twenty-five years, and is actually a resident within the district, and qualified to vote for members of the general assembly, according to this constitution. And any person may be elected a member of the house of delegates, who, at the time of election, has attained the age of twenty-one years, and is actually a resident within the county, city, town or election district, qualified to vote for members of the general assembly according to this constitution; but no person holding a lucrative office, no minister of the Gospel or priest of any relagious denomination, no salaried officer of any banking corporation or company, and no attorney for the commonwealth, shall be capable of being elected a member of either house of assembly. The removal of any person elected to either branch of the general assembly from the

county, city, town or district for which he was elected, shall vacate his office.

Powers and Duties of the General Assembly.

8. The general assembly shall meet once in every two years, and not Legislature, how oftener, unless convened by the governor in the manner prescribed in often to meet this constitution. No session of the general assembly, after the first Sessions, how under this constitution, shall continue longer than ninety days, without long. the concurrence of three-fifths of the members elected to each house; in which case, the session may be extended for a further period, not exceeding thirty days. Neither house, during the session of the general Adjournment, assembly, shall, without the consent of the other, adjourn for more than how long and three days, nor to any other place than that in which the two houses shall be sitting. A majority of each house shall constitute a quorum to Quorum. How do business, but a smaller number may adjourn from day to day, and attendance enshall be authorized to compel the attendance of absent members in such forced. manner and under such penalties as each house may provide.

9. The house of delegates shall choose its own speaker, and, in the Speaker of house absence of the lieutenant governor, or when he shall exercise the office and president of of governor, the senate shall choose from their own body a president senate. pho tempore; and each house shall appoint its own officers, settle its own officers; rules; rules of proceeding, and direct writs of election for supplying interme-writs of election, diate vacancies: but if vacancies shall occur during the recess of the general assembly, such writs may be issued by the governor, under such regulations as may be prescribed by law. Each house shall judge of Houses to judge the election, qualification and returns of its members, may punish them of elections, &c. for disorderly behavior, and, with the concurrence of two-thirds, expel nished.

a member, but not a second time for the same offence.

10. The members of the assembly shall receive for their services Pay of members. a compensation, to be ascertained by law, and paid out of the public treasury; but no act increasing such compensation shall take effect until after the end of the term for which the members of the house of delegates voting thereon were elected. And no senator or dele- Ineligible to of gate, during the term for which he shall have been elected, shall be cases. appointed to any civil office of profit under the commonwealth, which has been created, or the emoluments of which have been increased, during such term, except offices filled by elections by the people.

11. Bills and resolutions may originate in either of the two houses of Bills and resoluthe general assembly, to be approved or rejected by the other, and may tions, where to be amended by either house, with the consent of the other.

12. Each house of the general assembly shall keep a journal of its Journal; yeas proceedings, which shall be published from time to time, and the yeas and nays, how and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. No bill how bills to be shall become a law until it has been read on three different days of the read. session in the house in which it originated, unless two-thirds of the members elected to that house shall otherwise determine.

13. The whole number of members to which the state may at any Representation time be entitled in the house of representatives of the United States, in congress, how shall be apportioned as nearly as may be amongst the several counties, cities and towns of the state, according to their respective numbers; which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

14. In the apportionment, the state shall be divided into districts, Congressional corresponding in number with the representatives to which it may be districts, how entitled in the house of representatives of the congress of the United States, which shall be formed respectively of contiguous counties, cities and towns, be compact, and include, as nearly as may be, an equal number of the population, upon which is based representation in the house of representatives of the United States.

15. The privilege of the writ of habeas corpus shall not in any case be Habeas corpus suspended. The general assembly shall not pass any bill of attainder; not suspended. or any ex post facto law; or any law impairing the obligation of con-er restrained in

certain cases.

Freedom of speech or of the

tracts; or any law whereby private property shall be taken for public uses without just compensation; or any law abridging the freedom of speech or of the press. No man shall be compelled to frequent or sup-

Religious liberty. port any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain their opinions in matters of religion, and the same shall in nowise affect, diminish or enlarge their civil capacities. And the general assembly shall not prescribe any religious test whatever; or confer any peculiar privileges or advantages on any sect or denomination; or pass any law requiring or authorizing any religious society, or the people of any district within this commonwealth, to levy on themselves or others any tax for the erection or repair of any house for public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as

laws, how to be

he shall please.

16. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended by reference to its title, but the act revived or section amended shall be re-enacted and published at length.

Disqualification for dueling.

17. The general assembly may provide that no person shall be capable of holding, or being elected to, any post of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance.

18. The governor, lieutenant governor, judges, and all others offend-

Impeachments, how prosecuted.

ing against the state, by maladministration, corruption, neglect of duty, or other high crime or misdemeanor, shall be impeachable by the house of delegates and be prosecuted before the senate, which shall have the sole power to try impeachments. When sitting for that purpose, they shall be on oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the commonwealth; but the party convicted shall neverthe-

Extent of judgment

less be subject to indictment, trial, judgment and punishment, according Senate may sit to law. The schate may ..., during legislative for the trial of impeachments. to law. The senate may sit, during the recess of the general assembly,

Slaves and Free Negroes.

How emancipated slaves forfeit their freedom.

19. Slaves hereafter emancipated shall forfeit their freedom by remaining in the commonwealth more than twelve months after they become actually free, and shall be reduced to slavery under such regulations as may be prescribed by law.

Restrictions on emancipation.

20. The general assembly may impose such restrictions and conditions as they shall deem proper on the power of slave owners to emancipate their slaves; and may pass laws for the relief of the commonwealth from the free negro population, by removal or otherwise.

Removal of free negroes.

21. The general assembly shall not emancipate any slave, or the descendant of any slave, either before or after the birth of such descendant.

Legislature not to emancipate.

Taxation and Finance.

Taxation to be uniform and ad. valorem.

22. Taxation shall be equal and uniform throughout the commonwealth, and all property other than slaves shall be taxed in proportion to its value, which shall be ascertained in such manner as may be prescribed by law.

23. Every slave who has attained the age of twelve years shall be as- Taxation of sessed with a tax equal to and not exceeding that assessed on land of slaves. the value of three hundred dollars. Slaves under that age shall not be subject to taxation; and other taxable property may be exempted from Property, how taxation by the vote of a majority of the whole number of members exempt from tax.

elected to each house of the general assembly.

24. A capitation tax, equal to the tax assessed on land of the value of Capitation tax.

two hundred dollars, shall be levied on every white male inhabitant who has attained the age of twenty-one years; and one equal moiety of the what part apcapitation tax upon white persons shall be applied to the purposes of piled to schools.

education in primary and free schools; but nothing herein contained Exemption for shall prevent exemptions of taxable polls in cases of bodily infirmity.

25. The general assembly may levy a tax on incomes, salaries and li- Tax on incomes, censes; but no tax shall be levied on property from which any income salaries and liso taxed is derived, or on the capital invested in the trade or business in censes.

respect to which the license so taxed is issued.

26. No money shall be drawn from the treasury but in pursuance of How money appropriations made by law; and a statement of the receipts, disburse- drawn from appropriations made by law; and a statement of the receipts, discurse-treasury.

ments, appropriations and loans shall be published after the adjournment Financial state. of each session of the general assembly, with the acts and resolutions ment to be published.

27. On the passage of every act which imposes, continues or revives On what acts a tax, or creates a debt or charge, or makes, continues or revives any yeas and nays appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the state, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the same shall be entered on the journals of the respective bouses, and a majority of all the members elected to each house shall be Majority of all necessary to give it the force of a law.

28. The liability to the state of any incorporated company or institu- Debts to state by tion to redeem the principal and pay the interest of any loan heretofore corporations not made, or which may hereafter be made by the state to such company or institution, shall not be released; and the general assembly shall not State faith not to pledge the faith of the state, or bind it in any form, for the debts or ob-be pledged for corporations.

ligations of any company or corporation.

29. There shall be set apart annually, from the accruing revenues, a Sinking fund. sum equal to seven per cent. of the state debt existing on the first day of January in the year one thousand eight hundred and fifty-two. The fund thus set apart shall be called the Sinking fund, and shall be applied to the payment of the interest of the state debt, and the principal of such part as may be redeemable. If no part be redeemable, then the residue of the sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of this commonwealth, or of the United States, or of some of the states of this Union, and applied to the payment of the state debt as it shall become redeemable. after the said first day of January, a debt shall be contracted by the commonwealth, there shall be set apart in like manner, annually, for thirty-four years, a sum exceeding by one per cent. the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction; which sum shall be part of the sinking fund, and shall be applied in the manner before directed. The general assembly shall not otherwise appropriate any part of the sinking fund or its accruing interest, except in time of war, insurrection or invasion.

30. The general assembly may, at any time, direct a sale of the stocks How state stocks held by the commonwealth in internal improvement and other compa- may be sold. nies; but the proceeds of such sale, if made before the payment of the public debt, shall constitute a part of the sinking fund, and be applied

in like manner.

31. The general assembly shall not contract loans or cause to be issued Losns, when certificates of debt or bonds of the state, irredeemable for a period redeemable. greater than thirty-four years.

General Provisions.

Charter to churches prohihited. Lotteries prohibited

32. The general assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to Church property church property to an extent to be limited by law. 33. No lottery shall hereafter be authorized by law; and the buying,

selling or transferring of tickets or chances in any lottery not now authorized by a law of this state, shall be prohibited.

New counties, how formed.

34. No new county shall be formed with an area less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county, having a white population less than five thousand, be deprived of more than one-fifth of such population; nor shall a county having a larger white population be reduced below four thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, Voters in election may be divided at the discretion of the general assembly. In all general elections the voters in any county, not entitled to separate representation, shall vote in the same election district.

districts, where to vote.

Power over divorces, names and sale of property.

35. The general assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, but shall not, by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

Registration of voters, and of births, marriages and deaths.

36. The general assembly shall provide for the periodical registration in the several counties, cities and towns, of the voters therein; and for the annual registration of the births, marriages and deaths in the white population, and of the births and deaths in the colored population of the same, distinguishing between the numbers of the free colored persons and slaves.

State census.

37. The general assembly, at intervals of five years from the dates of the returns of the census of the United States, shall cause to be taken a census and such statistics of this state as may be prescribed by law; which census and statistics shall be returned to the secretary of the commonwealth, who shall compare and correct the returns and report the

Roturns thereof.

same to the general assembly.

Provision relative to elections and vacancies in office.

38. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this constitution, shall be prescribed by law; but special elections to fill vacancies in the office of judge of any court shall be for a full term. And the general assembly may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this constitution.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Governor.

Governor: his term; eligibility to office.

1. The chief executive power of this commonwealth shall be vested in a governor. He shall hold the office for the term of four years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

How elected. Returns of elec-

2. The governor shall be elected by the voters, at the times and places of choosing members of the general assembly. Returns of the elections don of governor, of choosing members of the gone, as accounty, how disposed of shall be transmitted, under seal, by the proper officers, to the secretary

Votes, when and sembly. how counted.

Election, how decided.

of the commonwealth, who shall deliver them to the speaker of the house of delegates on the first day of the next session of the general as-The speaker of the house of delegates shall, within one week thereafter, in the presence of a majority of the senate and house of delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen governor by the joint vote of the two houses of the general assembly. Contested elections for governor shall be decided

Contested elections.

by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

3. No person shall be eligible to the office of governor unless he has Who eligible to attained the age of thirty years, is a native citizen of the United States, office and has been a citizen of Virginia for five years next preceding his election.

4. The governor shall reside at the seat of government; shall receive Where to reside. five thousand dollars for each year of his service, and, while in office, His pay. shall receive no other emolument from this or any other government.

5. He shall take care that the laws be faithfully executed; communi- His duties and cate to the general assembly at every session the condition of the com-powers. monwealth; recommend to their consideration such measures as he may deem expedient; and convene the general assembly on application of a majority of the members of both houses thereof, or when in his opinion the interest of the commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the state; have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct, either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign states; and, during the recess of the general assembly, fill, pro tempore, all vacancies in those offices for which the constitution and laws make no provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next sesson of the general assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law; and, except when the prosecution has been carried on by the house of delegates, or the law shall otherwise

muted, with his reasons for remitting, granting or commuting the same. 6. He may require information in writing from the officers in the ex- Power to require ecutive department, upon any subject relating to the duties of their re-information from spective offices; and may also require the opinion in writing of the and opinions attorney general upon any question of law connected with his official from attorney

particularly direct, to grant reprieves and pardons after conviction, and to commute capital punishment; but he shall communicate to the general assembly, at each session, the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment com-

7. Commissions and grants shall run in the name of the common-Commissions and wealth of Virginia, and be attested by the governor, with the seal of the grants to be in name of comcommonwealth annexed.

monwealth. How attested.

Lieutenant Governor.

8. A lieutenant governor shall be elected at the same time, and for the Lieut. governor, same term as the governor, and his qualification and the manner of his how elected; his term and qualification in all respects shall be the same election in all respects shall be the same.

9. In case of the removal of the governor from office, or of his death, when to act as failure to qualify, resignation, removal from the state, or inability to dis-governor. charge the powers and duties of the office, the said office, with its compensation, shall devolve upon the lieutenant governor; and the general Who to disassembly shall provide by law for the discharge of the executive functiones.

tions in other necessary cases.

10. The lieutenant governor shall be president of the senate, but shall President of sehave no vote; and while acting as such, shall receive a compensation nate; his compensation. equal to that allowed to the speaker of the house of delegates.

Secretary of the Commonwealth, Treasurer and Auditor.

11. A secretary of the commonwealth, treasurer and an auditor of Secretary, treapublic accounts shall be elected by the joint vote of the two houses of surer and auditor, how elected; the general assembly, and continue in office for the term of two years, their terms. unless sooner removed.

12. The secretary shall keep a record of the official acts of the go-Record of goververnor, which shall be signed by the governor and attested by the secrekept; when laid tary; and when required, he shall lay the same, and any papers, minutes before legislaand vouchers pertaining to his office, before either house of the general ture.

Duties of secre-

assembly; and shall perform such other duties as may be prescribed by law.

Powers and duand auditor.

13. The powers and duties of the treasurer and auditor shall be such ties of treasurer as now are, or may be hereafter prescribed by law.

Board of Public Works.

Board of public works, how elect missioners. ed; term of office.

14. There shall be a Board of public works, to consist of three com-The state shall be divided into three districts, containing as nearly as may be equal numbers of voters, and the voters of each district shall elect one commissioner, whose term of office shall be six years; but of those first elected, one, to be designated by lot, shall remain in office for two years only, and one other, to be designated in like manner, shall remain in office for four years only.

Legislature to provide for elec-15. The general assembly, at its first session after the adoption of this constitution, shall provide for the election and compensation of the comtion, compensa-tion and organi-zation of board. missioners, and the organization of the board. The commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

Board, when to Officers on public works, how

16. The Board of public works shall appoint all officers employed on the public works, and all persons representing the interest of the comappointed.

Duties of board. monwealth in works of internal improvement, and shall perform such

How removed from office.

other duties as may be prescribed by law.

17. The members of the Board of public works may be removed by the concurrent vote of a majority of all the members elected to each house of the general assembly; but the cause of removal shall be entered on the journal of each house.

Board, how abolished.

18. The general assembly shall have power, by a vote of three-fifths of the members elected to each house, to abolish said board whenever in their opinion a Board of public works shall no longer be necessary.

Militia.

Appointment of militia officers.

19. The manner of appointing militia officers shall be prescribed by law.

ARTICLE VI.

JUDICIARY DEPARTMENT.

Judiciary; of what courts composed. Jurisdiction.

1. There shall be a supreme court of appeals, district courts and circuit The jurisdiction of these tribunals, and of the judges thereof, except so far as the same is conferred by this constitution, shall be regulated by law.

Judicial Divisions.

Judicial divisions.

2. The state shall be divided into twenty-one judicial circuits, ten districts and five sections.

Circuita.

I. The counties of Princess Anne, Norfolk, Nansemond, Isle of Wight, Southampton, Greenesville, Surry and Sussex and the city of Norfolk shall constitute the first circuit.

II. The counties of Prince George, Dinwiddie, Brunswick, Mecklenburg, Lunenburg, Nottoway, Amelia, Chesterfield and Powhatan and

the city of Petersburg shall constitute the second circuit.

III. The counties of Cumberland, Buckingham, Appomattox, Campbell, Prince Edward, Charlotte and Halifax and the town of Lynchburg shall constitute the third circuit.

IV. The counties of Pittsylvania, Bedford, Franklin, Patrick and

Henry shall constitute the fourth circuit.

V. The counties of Accomack and Northampton shall constitute the

fifth circuit. VI. The counties of Elizabeth City, Warwick, York, Gloucester, Matthews, Middlesex, Henrico, New Kent, Charles City and James

City and the city of Williamsburg shall constitute the sixth circuit. VII. The city of Richmond shall be the seventh circuit.

VIII. The counties of Laucaster, Northumberland, Richmond, Westmoreland, King George, Spotsylvania, Caroline, Hanover, King William, King & Queen and Essex shall constitute the eighth circuit.

IX. The counties of Stafford, Prince William, Alexandria, Fairfax, Loudoun, Fauquier and Rappahannock shall constitute the ninth circuit.

X. The counties of Culpeper, Madison, Greene, Orange, Albemarle, Louisa, Fluvanna and Goochland shall constitute the tenth, circuit.

XI. The counties of Nelson, Amherst, Rockbridge, Augusta and Bath

shall constitute the eleventh circuit.

XII. The counties of Peudleton, Highland, Rockingham, Page, Shenandoah, Warren and Hardy shall constitute the twelfth circuit.

XIII. The counties of Clarke, Frederick, Hampshire, Morgan, Berke-

ley and Jefferson shall constitute the thirteenth circuit.

XIV. The counties of Mouroe, Greenbrier, Pocahontas, Alleghany,

Botetourt, Roanoke and Craig shall constitue the fourteenth circuit.

XV. The counties of Giles, Mercer, Raleigh, Wyoming, Logan, Boone, Fayette and Nicholas shall constitute the fifteenth circuit.

XVI. The counties of Grayson, Carroll, Wythe, Floyd, Pulaski and Montgomery shall constitute the sixteenth circuit.

XVII. The counties of Smyth, Tazewell, Washington, Russell, Scott

and Lee shall constitute the seventeenth circuit.

XVIII. The counties of Wayne, Cabell, Mason, Jackson, Putnam and

Kanawha shall constitute the eighteenth circuit.

XIX. The counties of Wood, Wirt, Gilmer, Braxton, Lewis, Ritchie,

Doddridge and Pleasants shall constitute the nineteenth circuit.

XX. The counties of Hancock, Brooke, Ohio, Marshall, Wetzel,

Tyler and Monongalia shall constitute the twentieth circuit. XXI. And the counties of Harrison, Marion, Taylor, Preston, Bar-

bour, Randolph and Upshur shall constitute the twenty-first circuit.

3. The first and second circuits shall constitute the first district; the Districts.

third and fourth circuits the second district; the fifth, sixth and seventh circuits the third district; the eighth and ninth circuits the fourth district; the tenth and eleventh circuits the fifth district; the twelfth and thirteenth circuits the sixth district; the fourteenth and fifteenth circuits the seventh district; the sixteenth and seventeenth circuits the eighth district; the eighteenth and nineteenth circuits the ninth district; and the twentieth and twenty-first circuits the tenth district.

4. The first and second districts shall constitute the first section; the Sections. third and fourth districts the second section; the fifth and sixth districts the third section; the seventh and eighth districts the fourth section;

and the ninth and tenth districts the fifth section.

5. The general assembly may, at the end of eight years after the Rearrangement adoption of this constitution, and thereafter at intervals of eight years, of judicial divirorarrange the said circuits, districts and sections, and place any number sions, how made. of circuits in a district, and of districts in a section; but each circuit shall be altogether in one district, and each district in one section; and there shall not be less than two districts and four circuits in a section, and the number of sections shall not be increased or diminished.

Circuit Courts.

6. For each circuit a judge shall be elected by the voters thereof, who Judges of circuit shall hold his office for the term of eight years, unless sooner removed in courts, how elect the manner prescribed by this constitution. He shall at the time of his age and restelection be at least thirty years of age, and during his continuance in dence. office shall reside in the circuit of which he is judge.

A circuit court shall be held at least twice a year by the judge of Circuit courts, each circuit, in every county and corporation thereof, wherein a circuit when held. court is now or may hereafter be established. But the judges in the same district may be required or authorized to hold the courts of their respective circuits alternately, and a judge of one circuit to hold a court in any other circuit.

District Courts.

8. A district court shall be held at least once a year in every district, District courts, by the judges of the circuits constituting the section and the judge of when held and by whom. the supreme court of appeals for the section of which the district forms a part, any three of whom may hold a court; but no judge shall sit or

and soction.

The judge of decide upon any appeal taken from his own decision. the supreme court of appeals of one section may sit in the district courts of another section, when required or authorized by law to do so.

Inclediction.

9. The district courts shall not have original jurisdiction, except in cases of habeas corpus, mandamus and prohibition.

Court of Appeals.

Court of appeals, how elected; term of office, age and residence.

10. For each section a judge shall be elected by the voters thereof, who shall hold his office for the term of twelve years, unless sooner removed in the manner prescribed by this constitution. He shall at the time of his election be at least thirty-five years of age, and during his continuance in office reside in the section for which he is elected.

Court, how constituted. Its jurisdiction.

11. The supreme court of appeals shall consist of the five judges so elected, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of habeas corpus, mandamus and prohi-It shall not have jurisdiction in civil causes where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probat of a will, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, road, way, ferry or landing, or the right of a corporation or of a county to levy tolls or taxes; and except in cases of habeas corpus, mandamus and prohibition, and cases involving freedom or the constitutionality of a law.

Special court of appeals, how constituted. Its powers and duties.

12. Special courts of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the supreme court of appeals and of the circuit courts, or any of them, to try any cases remaining on the dockets of the present court of appeals when the judges thereof cease to hold their offices; or to try any cases which may be on the dockets of the supreme court of appeals established by this constitution, in respect to which a majority of the judges of said court may be so situated as to make it improper for them to sit on the hearing thereof.

Reasons of decisions of court of appeals to be recorded.

13. When a judgment or decree is reversed or affirmed by the su-preme court of appeals, the reasons therefor shall be stated in writing, and preserved with the record of the case.

General Provisions.

Judges, how commissioned; their saluries.

14. Judges shall be commissioned by the governor, and shall receive fixed and adequate salaries, which shall not be diminished during their The salary of a judge of the supreme court of continuance in office. appeals shall not be less than three thousand dollars, and that of a judge of a circuit court not less than two thousand dollars per annum, except that of the judge of the fifth circuit, which shall not be less than fifteen hundred dollars per annum; and each shall receive a reasonable allowance for necessary travel.

Milcage.

15. No judge, during his term of service, shall hold any other office, hold other offices, appointment or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he, during such term, or within one year there-

Judges not to

after, be eligible to any political office.

16. No election of judge shall be held within thirty days of the time Judges, when not of holding any election of electors of president and vice president of the

Judges, how re-

Elections of

United States, of members of congress or of the general assembly. 17. Judges may be removed from office by a concurrent vote of both

office.

houses of the general assembly, but a majority of all the members elected to each house must concur in such vote; and the cause of removal shall be entered on the journal of each house. The judge, against whom the general assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the general assembly shall act thereupon.

Notice to be given.

18. The officers of the supreme court of appeals and of the district how appointed. Their duties, pay courts shall be appointed by the said courts respectively, or by the and tenure. judges thereof in vacation. Their duties, compensation and tenure of office shall be prescribed by law.

Officers of courts, how appointed.

19. The voters of each county or corporation in which a circuit court Clerk of circuit is held shall elect a clerk of such court, whose term of office shall be six court, how elect-The attorney for the commonwealth, elected for a county or cor-office. poration wherein a circuit court is directed to be held, shall be attorney Attorneys, how for the commonwealth for that court; but in case a circuit court is held term. for a city, or for a county and a city, there shall be an attorney for the commonwealth for such, to be elected by the voters of such city or county and city, and to continue in office for the term of four years. The duties and compensation of these officers, and the mode of remov-Duties and pay; ing them from office, shall be prescribed by law.

20. When a vacancy shall occur in the office of clerk of any court, vacancy in office such court may appoint a clerk pro tempore, who shall discharge the of clerk, how filled.

duties of the office until the vacancy is filled.

21. The general assembly shall provide for the compensation of jurors, Pay of jurors. but appropriations for that purpose shall not be made from the state

treasury, except in prosecutions for felony and misdemeanor.

22. At every election of a governor, an attorney general shall be Attorney general, elected by the voters of the commonwealth for the term of four years. how elected; his term. How commonwealth be commissioned by the governor, shall perform such duties and missioned. His receive such compensation as may be prescribed by law, and be removed. How removed. ble in the manner prescribed for the removal of judges.

23. Judges and all other officers, whether elected or appointed, shall Judges and officontinue to discharge the duties of their respective offices after their such until suc-

terms of service have expired, until their successors are qualified. 24. Writs shall run in the name of the commonwealth of Virginia, Writs, how at and be attested by the clerks of the several courts. Indictments shall sion of indictconclude, against the peace and dignity of the commonwealth.

cessors qualified.

County Courts.

25. There shall be in each county of the commonwealth a county County courts, court, which shall be held monthly, by not less than three nor more than how constituted five justices, except when the law shall require the presence of a greater

26. The jurisdiction of the said court shall be the same as that of the Their jurisdicexisting county courts, except so far as it is modified by this constitution, tion.

or may be changed by law.

27. Each county shall be laid off into districts, as nearly equal as may Districts for election of justices; be in territory and population. In each district there shall be elected, by how elected and the voters thereof, four justices of the peace, who shall be commissioned commissioned; by the governor, reside in their respective districts, and hold their offices their term. The justices so elected shall choose one of Presiding justice. for the term of four years. their own body, who shall be the presiding justice of the county court, His duty. and whose duty it shall be to attend each term of said court. The other Justices classijustices shall be classified by law for the performance of their duties in fied.

court. 28. The justices shall receive for their services in court a per diem Pay of justices. compensation, to be ascertained by law, and paid out of the county trea-

29. The power and jurisdiction of justices of the peace within their Powers and jurisdiction. respective counties shall be prescribed by law.

County Officers.

sury; and shall not receive any fee or emolument for other judicial ser-

30. The voters of each county shall elect a clerk of the county court, a County officers, surveyor, an attorney for the commonwealth, a sheriff, and so many com-how elected; their term. missioners of the revenue as may be authorized by law, who shall hold their respective offices as follows: The clerk and the surveyor for the term of six years; the attorney for the term of four years; the sheriff and the commissioners for the term of two years. Constables and overseers of the poor shall be elected by the voters, as may be prescribed by

31. The officers mentioned in the preceding section, except the attor- Officers, where to neys, shall reside in the counties or districts for which they were respectively the counties. tively elected. No person elected for two successive terms to the office of sherifis.

of sheriff, shall be re-eligible to the same office for the next succeeding term; nor shall he, during his term of service, or within one year there-

after, be eligible to any political office.

32. The justices of the peace, sheriffs, attorneys for the commonwealth, clerks of the circuit and county courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance or neglect of official duty; and upon conviction thereof, their offices shall become vacant.

Corporation Courts and Officers.

Jurisdiction of courts and magis-trates.

33. The general assembly may vest such jurisdiction as shall be deemed necessary in corporation courts, and in the magistrates who may belong

to the corporate body. Corporation off. 34. All officers appertaining to the cultive and constructed by the concers, how elected rations, shall be elected by the qualified voters, or appointed by the concers, how elected rations, shall be elected by the qualified voters, as may be prescribed stituted authorities of such cities or corporations, as may be prescribed by law.

> Done in convention, in the city of Richmond, on the first day of August, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the commonwealth of Virginia.

> > JOHN Y. MASON, Pres't of the Convention.

S. D. WHITTLE, Secretary of the Convention.

SCHEDULE.

1. It shall be the duty of the president of this convention, imme-Duty of president diately on its adjournment, to certify to the governor a copy of the bill of convention.

of rights and constitution adopted, together with this schedule.

2. Upon the receipt of such certified copy, the governor shall forth-constitution, with announce the fact by proclamation, to be published in such news-how published papers of the state as may be deemed requisite for general information; and shall annex to his proclamation a copy of the bill of rights and constitution, together with this schedule; which proclamation, bill of rights, constitution and schedule shall be published in the manner indicated, for the period of one month; and ten printed copies thereof shall, by the secretary of the commonwealth, be immediately transmitted by mail to the clerk of each county and corporation court in this commonwealth. to be by such clerk submitted to the examination of any person desiring the same.

3. The officers authorized by existing laws to conduct general elec- How submitted tions shall, at the places appointed for holding the same, open a poll-book to people for ration the fourth Thursday in October next, to be headed "The Constitution." tion as amended and Schedule," and to contain two separate columns: the first column to be headed "For Ratifying;" the other to be headed "For Rejecting." And such officers, keeping said polls open for the space of three days, shall then and there receive and record in said pollbook the votes for and against this constitution and schedule, of all persons qualified, under the existing or amended constitution, to exercise the right of suffrage.

4. The taking of the polls, the duties to be performed by the officers, Regulations for the privilege of the voters, and the penalties attaching for misconduct ascertaining on the part of any person, shall be in all things as prescribed by the sense of voters. second, third, fourth, seventh, eighth and ninth sections of the act of the general assembly passed March the fourth, one thousand eight hundred and fifty, entitled "An act to take the sense of the people upon the call of a convention, and providing for organizing the same,"

so far as the provisions of said section may be applicable.

5. It shall be the duty of the governor, upon receiving the returns of Result, how section. said officers, to ascertain the result thereof, and forthwith to declare the certained and same by his proclamation, stating the aggregate vote in the state for and proclaimed. against the ratification of the amended constitution and schedule, which shall be published at least once a week until the second Monday in Decomber next, in such newspapers as in his opinion will be best calculated to diffuse general information thereof; and if it appear that a majority General election of the votes cast is in favor of ratification, the governor, at the same for legislature time, and in like manner, shall make proclamation for holding, on the officers. day last mentioned, a general election throughout the state for delegates and senators to the general assembly, according to the apportionment and districts prescribed in this constitution; and also for the election of a governor, lieutenant governor and attorney general.

6. The officers authorized by existing laws to hold and conduct gene-Election, how ral elections, shall hold and conduct the elections herein required; and conducted. such efficers and all other persons shall be governed and controlled therein by the provisions of said laws, so far as the same may be applicable to and necessary for the proper conducting of the said elections. Du-plicate polls shall be separately kept for governor and lieutenant go-vernor, for attorney general, and for senators and delegates to the general assembly, which shall be verified by the oaths of the officers conducting

the elections.

Return of polls.

7. The verified duplicate polls for governor, lieutenant governor and attorney general shall be deposited with the clerks of the several counties and cities, who shall retain one in their respective offices, and transmit the other by mail to the secretary of the commonwealth.

Officers, when and where to assemble.

8. In the election of senators and delegates for districts formed of more than one county and city, the officers conducting the same at the courthouse of the several counties and cities forming each district shall assemble, on the eighth day after the commencement of the said election, at the courthouse of the county or city first named as one of the counties of the district; shall compare the polls and ascertain the result, and shall deliver and return certificates of election according to the laws now in force

Legislature, when and where to assemble.

9. The members of the general assembly so elected shall meet at the capitol in the city of Richmond on the second Monday in January in the year one thousand eight hundred and fifty-two, and then and there organize as the General Assembly of Virginia; but before such organization, they shall respectively take the oath of fidelity to the commonwealth, and the other oaths of office required by the laws now in force.

Their oaths.

10. The election of members of the general assembly under this constitution shall vacate the seats of those elected under the present constitution.

Legislature under tormer constitution abrogated. Term of mem-bers of legisla-

11. The official terms of the delegates first elected to the general assembly under this constitution shall expire on the 30th day of June, in the year one thousand eight hundred and fifty-three.

Term of gover-

12. The official terms of the first governor, lieutenant governor and nor mut. gover-attorney general elected under this constitution and attorney thirty-first day of December, in the year one thousand eight hundred seneral.

Terms of judges, when to expire.

13. The present judges of the supreme court of appeals and of the circuit courts, and their successors, who may be appointed under the existing constitution, shall remain in office until such time as the law may prescribe for the commencement of the official terms of the judges under the amended constitution, and no longer; which time shall not be more than six months after the termination of the first session of the

general assembly under the amended constitution.

When former ex-

14. The executive department of the government shall remain as at ecutive to expire. present organized; and the governor and councillors of state and their successors appointed under the existing constitution shall continue in office until a governor elected under this constitution shall be qualified; and all other persons in office when this constitution is adopted, except as is herein otherwise expressly directed, shall continue in office until their successors are qualified; and vacancies in office, happening before such qualification, shall be filled in the manner now prescribed by law.

Other officers, how long to remain in office.

> 15. All the courts of justice now existing shall continue with their present jurisdiction until and except so far as the judicial system may or shall be otherwise organized; and all laws in force when this constitution is adopted, and not inconsistent therewith, and all rights, prosecutions, actions, claims and contracts shall remain and continue as if this

How long courts to continue.

> constitution was not adopted. 16. The general assembly shall pass all laws necessary for carrying this constitution into full effect and operation.

Laws to remain in force, how long.

> Done in convention, in the city of Richmond, on the first day of August, in the year of our Lord one thousand eight hundred and

Legislature to carry constitution into effect.

> fifty-one, and in the seventy-sixth year of the commonwealth of JOHN Y. MASON, Pres't of the Convention.

S. D. WHITTLE, Secretary of the Convention.

Virginia.

TABLE

Shewing the Times for the Commencement of the Regular Terms of each Circuit, County and Corporation Court.

Counties and corporations.	Circuit courts. When terms commence.	County and corpora- tion courts. Monthly terms.	County and corporation courts. Quarterly terms.
Accomack,	Circuits. 5th. Tuesday after 3d Monday in April and 8th of October,	Last Monday, .	March, May, August and Nov.
Albemarle,	10th. 3d Monday of May and 3d Monday of October,	First Monday,	Do. June, do. do.
Alexandria,	9th. 2d Monday of May and 2d Monday of October,	Fourth Monday,	February, May, do. do.
Alloghany,	14th. 16th of April and Sept.	Third Monday,	March. June, do. do.
Amelia, Amherst,	2d. 8th of April and October, 11th. 22d day of March and Aug.	Fourth Thursday, - Third Monday, -	Do. May, do. do. Do. June, do. do.
Appomattox,	3d. 20th of April and Sept.	Thursday after first Monday,	Do. May, do. do.
Augusta,	11th. 1st of June and November,	Fourth Monday, -	Do. do. do. and Oct.
Barbour,	21st. 12th of April and Sept.	Third Monday,	Do. June, do. and Nov.
Bath, Bedford,	11th. 15th of May and October, 4th. 1st of April and September,	Second Monday, - Fourth Monday, -	Do. do. do. do. February, May, July do.
Berkeley,	13th. 27th of April and Sept.	Second Monday, .	March, June, August do.
Boone,	15th. 12th of May and October,	Wednesday after second Monday,	
Detetement	1404 1-4-6 4	Second Monday, -	Do. do. do. do.
Botetourt, Braxton,	14th. 1st of April and September, 19th. 28th of April and Sept.	First Wednesday,	Do. do. do. do. Do. May, do. and Oct.
Brooke,	20th. 28th of March and August,	Last Monday,	Do. do. do. and Nov.
Brunswick,	2d. 22d of March and Sept.	Fourth Monday,	Do. do. do. do.
Buckingham,	3d. 4th of April and September,	Second Monday,	Do. do. do. do.
Cabell,	18th. 8th of April and September,	Fourth Monday,	Do. June, do. do.
Campbell, Caroline,	3d. 15th of May and October, 8th. 15th of March and 24th Sept.	Second Monday, - Second Monday, -	Do. do. do. do. Do. do. do. do.
Carroll,	16th. 1st Monday of April and Sept.	First Monday,	Do. do. do. do.
Charles City,	6th. 18th of May and November,	Third Thursday,	Do. May, do. do.
Charlotte,	3d. 23d of March and August,	First Monday,	Do. do. do. do.
Chesterfield, Clarke,	2d. 2d day of May and Nov. 13th. 12th of May and October,	Second Monday, - Second Monday in	Do. do. do. do.
·,	1000. 1000 01 100, 000 000000,	June, fourth Mon-	
		day of every other	
Oi	14th, 1st Monday after 4th Monday	month,	February, May, July and Oct.
Craig,	in April and September,	Fourth Monday, .	March, June, Augustand Nov.
Culpeper,	10th. 1st Monday of June and Nov.	Third Monday, -	Do. May, do. do.
Cumberland,	3d. 1st of March and August,	Fourth Monday,	March, June, August and Nov. Do. May, do. do. February, May, July and Oct.
Danville,		Thursday after second Monday,	
Dinwiddie,	2d. 24th of April and October,	Third Monday,	March, June, August and Nov. Do. May, do. do.
Doddridge,	19th. 20th of April and September,	Fourth Monday, -	Do. June, do. do.
Elizabeth City,	19th. 20th of April and September, 6th. 15th of March and Sept.	Fourth Thursday,	Do. May, do. do.
Essex, Fairfax.	8th. 22d of April and 30th Oct.	Third Monday,	Do. do. do. do.
Fauquier,	9th. 4th Monday of May and Oct. 9th. 1st Monday of April and Sept.	Third Monday, - Fourth Monday, -	Do. June, do. do. Do. May, do. do.
Fayette,	15th. 3d of April and September,	Thursday after	20. 22,
		second Tuesday,	Do. June, do. do.
Floyd,	16th. Monday before 1st Monday in April and September,	Thursday after second Monday,	Do. do. do. do.
Fluvanna,	10th. 1st of April and September,	Fourth Monday,	Do. May, do. do.
Franklin,	4th. 9th of May and October,	First Monday, -	Do. June, do. do.
Frederick,	13th. 15th of June and November,	Monday before first	
Prodoviakehone	_	Tuesday, - Second Thursday, -	Do. do. do. do. Do. do. October and Dec.
Fredericksburg, Giles,	15th. 21st of April and September,	Second Monday,	Do. do. October and Dec. Do. do. August and Nov.
Gilmer,	19th. 21st of May and October,	Tuesday after third	
.		Monday,	February, June, do. do.
Gloucester,	6th. 13th of April and October,	First Monday, - Third Monday, -	March, May, do. do. Do. do. do. do.
Goochland, Grayson,	10th. 20th of April and September, 16th. 2d Monday of April and Sept.	Fourth Monday,	February, May, July and Oct.
Greenbrier,	14th. 3d Monday after 4th Monday		
	in April and September,	Fourth Monday,	March, June, August and Nov.
Greene,	10th. 3d Monday in June and Nov.	Thursday after second Monday, -	Do. do. do. do.
Greenesville,	1st. 28th of April and 2d of Nov.	First Monday,	Do. May, do. and Oct.
Halifax,	3d. 1st of May and October,	Fourth Monday, -	Do. June, do. and Nov.
Hampshire,	13th. 10th of April and September, 20th. 20th of March and August,	Fourth Monday,	Do. do. do.
Hancock, Hanover,	8th. 4th of May and 17th Nov.	Second Monday, Fourth Tuesday,	January, April, June and Oct. February, do. July do.
Harrison.	21st. 1st of March and 4th of Nov.	Thursday after first	
	1	Monday, -	March, June, August and Nov.

i	Circuit courts. When terms commence.	County and corpora- tion courts. Monthly terms.	County and corporation courts. Quarterly terms.
Hardy,	Circuits. 12th. 21st of April and September,	Monday before first	
Wandaa	6th. 25th of April and October,	Tuesday, - First Monday, -	March, June, August and Nov. Do. May, do. do.
Henrico, Henry,	4th. 1st of May and October,	Second Monday,	Do. June, do. do.
Highland,	12th. 8th of May and October,	Thursday after third	
lale of Wight,	1st. 16th of May and 18th of Oct.	Monday, - First Monday, -	Do. May, do. and Oct. Do. June, do. and Nov.
ackson,	18th. 6th of May and October,	Second Monday,	February, June, do. do.
lames City and			
Williamsburg,	6th. 25th of May and November,	Second Monday, .	March, June, do. and Oct.
efferson, Kanawha.	13th. 18th of May and October, 18th. 17th of May and October,	Third Monday, - Third Monday, -	Do. do. do. and Nov. Do. do. do. do.
King George,	8th. 23d of March and 3d of Oct.	First Thursday,	Do. do. do. do.
ling & Queen,	8th. 28th of April and 5th of Nov.	Second Monday,	Do. May, do. do.
King William, Lancaster,	8th. 14th of May and 11th Nov. 8th. 15th of April and 23d of Oct.	Fourth Monday, - Third Monday, -	Do. do do. do. Do. do. do. do.
.ee,	17th. 2d Monday in April and Sept.	Third Monday,	Do. June, do. do.
Lewis,	19th. 5th of May and October,	Second Monday, -	April, do. do. Sept.
ogan,	15th. 4th of May and October,	Third Monday, -	March, June, August and Nov.
Loudoun,	9th. 4th Monday of April and September,	Second Monday, .	Do. do. do. do.
Louise,	10th. 10th of April and September,	Second Monday,	Do. do. do. do.
Lunenburg,	2d. 1st of March and September,	Second Monday,	Do. do. do. do.
Lynchburg,	3d. 1st of June and November,	First Monday,	Do. May, do. and Oct.
Madison, Marion.	10th. 2d Monday of May and Oct. 21st. 12th of May and October,	Fourth Thursday, - First Monday, -	February, May, July do. March, June, August and Nov.
Marshall,	20th, 4th of May and October.	Third Monday,	Do. do. do. do.
Matthews,	20th. 4th of May and October, 6th. 6th of April and October,	Second Monday, -	Do. May, do. do.
Mason,	18th. 26th of April and Sept.	First Monday, -	Do. May, do. do. February, June, do. do.
Mecklenburg,	2d. 9th of March and Sept. 15th, 16th of April and Sept.	Third Monday, .	March, do. do. do.
Mercer,	15th. Itea of April and Sept.	Thursday after second Monday, .	Do. do. do. do.
Middlesex,	6th. 1st of April and October,	Fourth Monday, -	Do. May, do. do.
Monongalia,	20th. 8th of April and September,	Fourth Monday, -	Do. June, do. do.
Monroe,	14th. 2d Monday after the 4th Monday in April and Sept.	Third Monday	Do. do. do. do.
Montgomery,	16th. 3d Monday of April and Sept.	Third Monday, - First Monday, -	Do. do. do. do.
Morgan,	13th. 6th of May and October,	Fourth Monday, .	Do. do. Sept. do.
Nansemond,	1st. 16th of April and 12th of Oct.	Second Monday,	Do. do. August do.
Nelson, New Kent,	11th. 27th of April and September, 6th. 10th of May and November,	Fourth Monday, - Second Thursday, -	rebruary, May, July do.
Nicholas,	15th. 28th of March and August,	Monday before	March, do. August do.
		second Tuesday,	Do. June, do. do.
Norfolk City,	let. let of June and 15th of Nov.	Fourth Monday, -	February, April, July and Oct.
Norfolk county, Northampton,	1st. 1st of April and 28th of Sept. 5th. Tuesday after 2d Monday of	Third Monday, -	March, June, August and Nov
Not anampeon,	April and 1st of October,	Second Monday, .	Do. do. Sept. do.
Northumberland,	8th. 9th of April and 18th of Oct.	Second Monday,	Do. May, August do.
Nottoway,	9d. 1st of April and October,	First Thursday,	Do. do. do. do.
Ohio, Orange,	20th. 14th of May and October, 10th. 1st of May and October,	First Monday, - Fourth Monday, -	Do. June, do. do. Do. May, do. do.
Page,	12th. 14th of April and September,	Fourth Monday, -	Do. do. do. do.
Patrick,	4th. 15th of April and Sept.	Fourth Monday, -	February, May, July do.
Pendleton,	19th. 2d of May and October,	Thursday after first	Manual Branch de
Petersburg,	2d. 20th of May and November,	Tuesday, - Third Thursday, -	March, June, Sept. do. February, May, Aug. and Nov
Pittsylvania,	4th. 22d of May and October,	Third Monday, -	March, June, do. do.
Pleasants,	19th. 6th of April and September,	Thursday after	
Donahamtan	14th 02d of Amell and Suntamber	second Monday,	February, May, July and Oct
Pocahontas, Powhatan,	14th. 23d of April and September, 2d. 16th of April and September,	First Tuesday, - First Wednesday, -	March, June, August and No Do. do. do. and Oct
Preston,	21st. 26th of April and September,	Second Monday,	Do. May, do. and Nov
Princess Anne,	let. 25th of May and 22d of Sept.	First Monday,	Do. June, do. do.
Prince Edward,	3d. 12th of March and August,	Third Monday,	Do. May, do. do.
Prince George, Prince William,	2d. 15th of May and November, 9th. 2d Monday in June and Nov.	Second Thursday, - First Monday, -	Do. do. do. do. Do. June, do. do.
Pulaski,	16th. 4th Monday of Ap'l and Sept.	Thursday after first	20. 1110, 10. 10.
· ·		Monday, -	Do. do. do. do.
Putnam, Raleigh,	18th. 18th of April and September, 15th. 11th of April and September,	Fourth Monday, - Fourth Monday, -	February, June, Sept. do.
Randolph,	21st. 28th of March and August,	Fourth Monday,	March, do. August do. Do. June, do. do.
Rappahannock,	9th. 3d Monday in June and Nov.	Second Monday, -	Do. May, do. do.
Richmond city,	7th. 10th of May and November	1	
	for civil causes, and 17th		Į.
	of April and October for criminal causes,	Second Monday, .	January, April, July and Oct
Richmond county,	8th. 3d of April and 13th of Oct.	First Monday, -	March, May, August and Nov
Ritchie,	19th. 13th of April and Sept.	Tuesday after first	
Rosnoke,	14th. Thursday after 3d Monday in	Monday, -	Do. do. do. do.
	March and Angust	Third Monday, -	Do. June, do. do.
Rockbridge,	11th. 19th of April and Sept.	Monday before first	
Rockingham	19th 18th of New and Oatabar	Tuesday, -	Do. do. do. do.
Rockingham,	1 19th. 15th of May and October,	Third Monday, -	February, May, do. do.

Counties and corporations.	Circuit Courts. When terms commence.	County and corpora- tion courts. Monthly terms.	County and corporation courts Quarterly terms.
•	Circuits.		
Russell,	17th. 4th Monday of Ap'l and Sept.	Tuesday after first Monday	March, June, August and Nov.
Scott,	17th. 3d Monday of Ap'l and Sept.	Tuesday after second	1
Shenandoah.	12th. 4th of April and Sept.	Monday, - Monday before	Do. do. do. do.
oucuantoau,	1241. 441 or April and Sept.	second Tuesday, -	Do. do. do. do.
Smyth,	17th. 2d Monday after 4th Monday	Tuesday after third	20. 20.
	of April and September,	Monday,	Do. do. do. do.
Southampton,	1st. 2d of May and 7th of Nov.	Third Monday, .	Do. do. do. do.
Spotsylvania,	8th. 20th of May and 25th of Nov.	First Monday, -	Do. do. do. do.
Stafford,	9th. 1st Monday of June and Nov.	Second Monday, -	Do. do. do. do.
Surry,	1st. 10th of May and 25th of Oct.	Fourth Monday, • Wednesday after first	Do. May, do. do.
Staunton,		Monday.	February, May, July and Oct.
Sneex.	1st. 24th of April and 29th of Oct.	First Thursday,	March, do. August do.
Taylor,	21st. 4th of June and October.	Fourth Monday, -	Do. June, do. and Nov.
Tazewell.	17th. 1st Monday after 4th Monday	Wednesday after last	201 000, 000,000
,	in April and September,	Monday, -	February, May, July and Oct.
Tyler,	20th, 25th of April and September,	Second Monday, -	March, June, August and Nov.
Upshur,	21st. 20th of March and August,	Thursday after third	,
		Monday, -	Do. do. do. do.
Warren,	12th. 30th of March and August,	Third Monday,	Do. May, do. do.
Warwick,	6th 21st of March and Sept.	Second Thursday, -	Do. June, do. and Dec.
Washington,	17th. Monday before 1st Monday		
***	in April and September,	Fourth Monday,	Do. do. do. and Nov.
Wayne,	18th. 1st of April and September,	Tuesday after first	n. 1. 1. 1.
Westmoreland.	8th. 28th of March and 8th of Oct.	Monday, - Fourth Monday, -	Do. do. do. do. April May. do. do.
Wetzel.	20th. 20th of April and September,	Tuesday after first	April, May, do. do.
Williamsburg and	20th. 20th of April and September,	Monday, -	February, May, July and Oct.
James City,	6th. 25th of May and November,	Fourth Monday,	March, June, August and Nov.
Winchester,	· · · · · ·	First Saturday,	Do. May, do. do.
•		•	
Wirt,	19th. 2d of June and November,	Tuesday after fourth	
		_Monday, -	February, May, July and Oct.
Wood,	19th. 16th of March and August,	Third Monday,	Do. June, August and Nov.
Wyoming,	15th. 29th of April and September,	Friday after third	March, do. do. do.
Wythe,	16th, 3d Monday after the 4th	Monday, -	March, do. do. do.
** J 44C;	Monday in April and Sept.	Second Monday	Do. do. do. do.
York,	6th. 26th of March and Sept.	Third Monday.	Do. May, do. and Oct.

TABLE

Shewing the Terms of the District Courts and Places for holding the same.

Districts—Of what Circuits composed.	Terms of courts.	Places for holding courts.
1st. First and second circuits,	Fifteenth of December, First of December, First of December, First of December, First of December, Fifteenth of December, First of December, Fifteenth of December, First of December,	Courthouse in city of Petersburg. Courthouse in city of Lynchburg. Courthouse in city of Williamsburg. Courthouse in Fredericksburg. Courthouse of Albemarle. Courthouse of Monroe. Courthouse of Washington. Courthouse of Washington. Courthouse of Monco. Courthouse of Monco.

SEPARATE ELECTION PRECINCTS.

COUNTIES.

The law provides that the commissioners for districting the counties "shall establish a place for opening a poll in each district for all elections in this commonwealth in which the voters in any such district shall have the right to vote, and they shall not establish more than two such places for voting in any district: Provided nevertheless, That the courthouses of the different counties shall be the place or one of the places of voting in the districts in which they may be situated. All other places for opening a poll in any election, except in towns not embraced within any such district, are hereby abolished."—See ante, c. 52, § 1, p. 36.

The clerk of the house of delegates has no information to enable him to publish the places established by the said commissioners for holding the elections, as required by the Code of

Virginia.

CITIES AND TOWNS.

City of Alexandria.—First Ward, at the house now occupied by Mrs. Wright, on Prince between Walter and Fairfax streets. Second Ward, at the council chamber. Third Ward, at the Mechanics hall. Fourth Ward, at the house of Mrs. Rose, corner of Prince and Alfred

City of Lynchburg .- Henry Ward, at Planters warehouse. Lynch Ward, at Friends ware-

City of Norfolk.—Four Wards. The place of voting in each ward to be appointed by the councils of the city.

City of Petersburg.—East Ward, at the Bollingbrook hotel. South Ward, at Oak's ware-house. Centre Ward, at Friends hotel. West Ward, at the house of Henry Blankenship on High street.

Town of Portsmouth.—Jackson Ward, at the town hall. Jefferson Ward, at the courthouse.

City of Richmond.—Jefferson Ward, at the first market. Madison Ward, at the city hall. Monroe Ward, at the Shockoe hill tavern.

City of Wheeling.—First Ward, at the district public schoolhouse. Second Ward, at the city ll. Third Ward, at the courthouse. Fourth Ward, at the district public schoolhouse. Fifth Ward, at the district public schoolhouse.

The councils of any city or town have the power to change the place of voting in any ward. A copy of the order making the change is required to be transmitted by the clerk of the council to the clerk of the house of delegates. See ante, c, 58, § 10, p. 51.

A LIST OF COMMISSIONERS

In other States and in the District of Columbia, appointed by the Executive of Virginia, and appearing to be in Office on the 10th day of February 1852, with the Residence and Date of Appointment of each Commissioner.

State. Alabama,	Name of Commissioner. Thomas A. Hamilton, George Conway, Robert B. Armistead,	Date of Appointment. March 28, 1845, Feb. 28, 1848,	Residence. Mobile.
"	George Conway, Robert B. Armistead,		Mohile.
	George Conway, Robert B. Armistead,		
46	Robert B. Armistead,	1 FED. 20. 1040. I	44
		Oct. 16, 1849,	1 44
"	William M. Brooks,	Aug. 19, 1846,	Dayton.
44	William Garrett,	Nov. 13, 1845,	Tuscaloosa.
и	James T. Hill,	Oct. 9, 1845,	Livingston.
"	Charles A. T. Price,	Feb. 16, 1847,	Montgomery.
44	Thomas Harrison,	Nov. 26, 1850,	7.
44	G. Garrett,	March 2, 1850,	Summerfield.
Arkansas,	William W. Floyd,	June 3, 1851,	Clarksville.
California,	Richard A. Maupin,	Jan. 9, 1849,	San Francisco.
**	S. Woodson Venable,	Aug. 9, 1849,	. "
44	Thomas N. Caznean,	March 16, 1850,	•4
44 44	George J. Whelan,	July 1, 1850,	
"	Cameron Erskine Thom,	July 1, 1850,	Sacramento city.
"	William L. Higgins,	July 19, 1850,	
.,	Micajah D. Wilson,	April 11, 1849,	Probably San Francisco,
	John W. Shore,	Sept. 18, 1849	N
Connecticut,	John T. Wait,	May 26, 1847,	Norwich New London co.
Delaware,	William B. Wiggins,	July 2, 1850,	Wilmington.
Florida,	George W. Hutchins,	June 12, 1847,	Tallahassee.
Georgia	J. McRobert Baker,	Dec. 1, 1849,	Jacksonville, E. F.
Georgia,	David Reid,	Dec. 23, 1847,	Macon.
**	William R. McLaws, William W. Arnold,	May 27, 1850, Dec. 15, 1851.	Augusta.
Illinois,	Ephraim S. Seymour,	Dec. 15, 1851, May 18, 1848,	Pike county. Galena.
111111010,	Henry A. Clark,	Feb. 16, 1848,	Chicago.
"	Edwin C. Larned,	March 18, 1850,	Chicago.
48	O. R. W. Lull,	July 22, 1851,	
44	Joseph P. Clarkson,	Nov. 8, 1851,	
44	John W. Wills,	Sept. 12, 1851,	Peoria.
Indiana,	Joseph B. Cornelius,	March 7, 1849,	Rockville, Parke county.
	William F. Day,	Sept. 13, 1850,	Fort Wayne.
Iowa,	William Joshua Barney,	April 17, 1849,	Dubuque.
Kentucky,	Taliaferro P. Shaffner,	March 14, 1846,	Louisville.
""	Caleb W. Logan,	Dec. 18, 1849,	44
46	Joseph B. Kinkead,	July 1, 1850,	44
44	Thomas D. Tilford,	Sept. 10, 1846,	Frankfort.
44	Joel C. Richmond,	Feb. 24, 1849	44
44	Richard B. Carpenter,	March 13, 1849,	Covington.
44	John D. McGill,	Jan. 9, 1850,	4.5
44	C. H. Mooar,	July 16, 1850.	46
44	John W. Finnell,	May 5, 1851,	44
44	B. F. Graves,	Jan. 28, 1850,	Lexington.
14	Charles J. Morton,	Feb. 14, 1850,	Shelbyville.
46	Thomas B. Smith,	Feb. 26, 1850,	Paris.
. "	Richard H. Collins,	Nov. 6, 1851,	Maysville.
Louisiana,	Thomas P. Durant,	March 28, 1845,	New Orleans.
46	D. J. Ricardo,	March 28, 1845,	44
"	Charles S. McRae,	Oct. 9, 1845,	44
44	Constantine B. Beverley,	April 17, 1850,	
44	Paul Pecquet,	Dec. 20, 1850,	44
44	William Shannon,	May 14, 1851,	44
"	William Monaghan,	May 29, 1851,	44
44	Wyndham Robertson, jr.	Feb. 9, 1852,	"
••	Richard T. Buckner,	Dec. 29. 1850,	Shreveport.

State.	Name of Commissioner.	Date of Appointment.	Residence.
Maine,	James L. Child,	Oct. 16, 1849,	Augusta.
Maryland,	James B. Latimer,	April 22, 1844,	Baltimore.
· ii ·	William Meade Addison,	Feb. 19, 1847.	"
44	Jabez D. Pratt,	Dec. 14, 1847,	"
"	R. W. Marryatt,	Jan. 27, 1849,	44
"	Charles Z. Lucas,	Feb. 6, 1851,	
"	George H. Hickman,	Oct. 29, 1846,	Cumberland.
"	Josiah H. Gordon,	Aug. 9, 1849,	- 1 1
"	James M. Sherry,	Feb. 17, 1849,	Frederick city.
Massachusetts,	Andrew K. Syester,	Oct. 24, 1851, April 24, 1844,	Hagerstown.
"	Ivers P. Austin, Peter Oliver.	April 24, 1844, Nov. 15, 1845,	Boston.
"	Abraham Jackson, jr.	Nov. 15, 1845,	46
44	J. Wingate Thornton,	Nov. 19, 1846,	44
44	J. H. Buckingham,	Oct. 16, 1849,	44
46	Warren Tilton,	Nov. 8, 1849,	4.
44	John S. Hale,	Jan. 9, 1851,	44
44	Charles B. F. Adams,	June 7, 1851,	44
4.	Edmund B. Otis,	June 13, 1851,	46
"	P. Emory Aldrich,	Dec. 30, 1845,	Springfield.
44	H. L. Conoly,	July 1, 1847,	Salem.
	N. T. Westfield,	Dec. 8, 1847,	Hampden county.
	J. Henry Hill,	June 20, 1849,	Worcester.
Michigan,	Gleason F. Lewis,	Feb. 8, 1848,	Detroit.
"	Ebenezer H. Rogers, C. C. Burt,	April 30, 1849, Feb. 9, 1849,	Homer, Calhoun county.
Minnesota,	Jacob J. Noah,	July 19, 1850,	St. Pauls. St. Croix co.
Mississippi,	Adolphus G. Weir,	April 23, 1844,	Columbus.
4,	Peter Besancon.	April 24, 1844.	Natchez.
56	Hallam Eldridge,	July 19, 1850,	. "
"	Robert W. Wood,	Oct. 21, 1851.	"
u	Richard Barnett,	April 1, 1846,	Vicksburg.
	James T. Marye,	March 2, 1847,	Port Gibson.
44 44	George West,	May 21, 1847,	Holly Springs.
	Leonidas V. Dixon,	Aug. 4, 1847,	Jackson city.
Missouri,	John H. Watson,	Nov. 13, 1845,	St. Louis.
46	Christopher Garvey, Thomas J. Beirne,	Nov. 13, 1845,	•• ••
"	John Garnett,	May 5, 1845, Dec. 8, 1847.	44
44	Robert Stevens.	July 11, 1848,	46
46	Thaddeus K. Wetmore,	July 11, 1849.	"
4.	Samuel M. Breckenridge,	Feb. 7, 1850,	44
44	Mann Butler.	July 1, 1850,	44
44	John Y. Page,	Jan. 22, 1851.	. "
46	Charles H. Hardin,	Feb. 16, 1847,	Fulton.
"	William A. Moffett,	Dec. 12, 1848,	Hannibal, Marion თ.
44	Robert F. Lakeran,	Feb. 11, 1850,	
"	M. M. Parsons,	Dec. 15, 1849,	Jefferson city.
"	William Anderson,	Feb. 1, 1851,	Lexington.
New Hampshire,	E. B. Jeffress,	Feb. 5, 1851,	Union, Franklin co.
New Jersey,	William B. Parker, Richard W. Howell,	March 28, 1845, Oct. 13, 1845.	Portsmouth.
"	Simeon Hart.	Oct. 13, 1845, Oct. 17, 1845,	Camden. Passaic co.
"	Gordon L. Ford,	May 10, 1847,	Morristown.
"	John J. Plume,	Sept. 30, 1848,	Newark.
New York,	Moses B. Maclay,	April 22, 1844,	New York city.
44	John Bissell,	Oct. 28, 1844,	
"	John M. Mason,	Oct. 28, 1844,	46
"	Charles J. Bushnell,	Feb. 28, 1849,	44
"	Edward J. Wilson,	June 12, 1849,	<i>"</i> .
"	John B. Breckenridge,	April 11, 1850,	46
"	Joseph C. Lawrence,	April 17, 1850,	44
"	John Livingston,	May 9, 1851,	46
"	James Bridge,	Dec. 31, 1851,	# D 11
44	James H. Patterson, Charles H. Thomson,	March 26, 1845, July 1, 1850,	Brooklyn.
		July	

State.	Name of Commissioner.	Date of Appointment.	Residence.
New York,	Robert J. Hilton,	Feb. 19, 1847,	Albany.
**	Warren S. Kelly,	June 26, 1849,	ü
46 .	James S. Gibbs,	March 20, 1848,	Buffalo.
	Powers L. Green,	April 3, 1848,	Little Falls, Herkimer co.
North Carolina,	George Little,	Feb. 21, 1846,	Raleigh.
46	Nathaniel J. Palmer,	Oct. 15, 1847, Jan. 16, 1852,	Milton.
	Adam Empie, jr.	Jan. 16, 1852,	Wilmington.
Ohio,	George E. Pugh,	May 30, 1844,	Cincinnati.
. "	James W. Taylor,	Nov. 13, 1845, Dec. 22, 1848,	44
"	A. H. McGuffey, Edward R. Newhall,	April 7, 1849,	66
44	Joseph McDougal, jr.	April 16, 1850,	"
4.	John Sutherland,	Oct. 5, 1846,	Steubenville.
14	Joseph Cline,	Feb. 19, 1847,	Montgomery.
44	William B. Arven,	Jan. 8, 1848,	Newark.
u .	David L. King,	Jan. 31, 1852,	Cleveland.
Pennsylvania,	John Binns,	May 24, 1845,	Philadelphia.
""	Samuel L. Clement,	June 19, 1845,	*
16	William H. Abbott,	Aug. 29, 1845,	44
46	Charles Stille,	Dec. 18, 1848,	46
'•	William Shippen,	Oct. 29, 1849,	44
"	John Brodhead,	April 17, 1850,	44
"	George Junkin, jr.	July 5, 1850,	"
44	Henry B. Hirst,	Nov. 13, 1850,	44
"	John F. Belstirling,	Nov. 22, 1850,	44
"	John Tyler, jr.	Jan. 9, 1851,	44
"	John H. Frick,	June 14, 1851,	••
••	Joseph T. Thomas,	July 16, 1851,	"
• "	Alfred Mackay,	Oct. 28, 1851,	
 u	Daniel Smith,	Oct. 29, 1846,	Uniontown, Fayette co. Littlestown.
"	William McSherry,	Feb. 17, 1849, March 7, 1851,	Pittsburg.
44	Robert Arthurs, William Bakewell.	March 7, 1851,	riusburg.
44	David H. Hazen,	Dec. 17, 1851,	44
Rhode Island,	Henry Martin,	Nov. 17, 1847,	Providence.
11	Samuel B. Vernon,	Feb. 5, 1851,	"
South Carolina,	C. B. Northrop,	Nov. 13, 1845,	Charleston.
"	Isaac Davega,	Aug. 19, 1846,	**
44	Lewis F. Robertson,	Aug. 16, 1848,	44
Tennessee,	Alpha Kingsley,	May 30, 1844,	Nashville.
"	Egbert A. Raworth,	Jan. 16, 1849,	"
"	James B. Thornton,	Jan. 10, 1846,	Memphis.
"	Robert H. Pattillo,	Oct. 14, 1846,	"
« ,	Hume F. Hill,	May 14, 1851,	<i>"</i>
"	Joel L. Jones,	May 11, 1848,	Somerville.
u .	Edward J. Read,	March 27, 1849,	Cherryville.
"	Frank Gamewell,	Sept. 11, 1849,	Jackson.
"	Isaac Morrison,	Dec. 1, 1849,	Covington, Tipton co.
	Philander Priestley,	Nov. 15, 1850,	Clarksville.
Texas,	Robert D. Johnson,	July 30, 1846, June 7, 1851,	Galveston.
 #	Rufus K. Hartley, F. D. Jackson,		Anatin
"	Memucan Hunt,	April 9, 1846, Oct. 22, 1849,	Austin.
u	Francis L. Barziza,	April 9, 1846,	Franklin, Robertson co.
"	James A. Poage,	May 5, 1846,	Bastrop, Colorado co.
"	A. H. Evans,	Nov. 9, 1846,	San Augustine.
"	William R. Baker,	Dec. 18, 1848,	Houston.
"	George Fisher,	June 30, 1849,	44
u	John H. Brown,	Sept. 12, 1851,	Indianola.
Wisconsin.	William Horner,	May 27, 1850,	Lancaster, Grant co.
		Sept. 13, 1850,	Milwankie.

COMMISSIONERS IN THE DISTRICT OF COLUMBIA.

Name of Comm	nissioner.		Date of Appointment.	Residence.
John A. Linton, Charles De Selding, J. F. Callan, Samuel L. Lewis, James B. Wilson, Henry Reaver.	• • • •	•	February 18, 1846, September 2, 1847, February 29, 1848, March 16, 1850, March 29, 1849, July 19, 1850,	" " Georgetown.

Commissioners in other States appointed since February 10th, 1852.

State.	Name of Commissioner.	Date of Appointment.	Residence.
Tennessee,	Miles S. Draughon,	Feb. 28, 1852,	Springfield, Robertson co.
Florida,	C. W. Downing,	March 9, 1852,	Tallahassee.
Ohio,	Robt. Hutchinson,	March 9, 1852,	Cincinnati.
44	Gleason F. Lewis,	May 31, 1852,	Cleaveland.
Iowa,	Hugh W. Sample,	March 15, 1852.	
Misssouri.	Edward W. Shands.	April 23, 1852,	St. Louis.
Indiana.	Edward H. Brackett.		Lafayette, Tippecanoe co.
Pennsylvania,	William M. McKnight,	May 18, 1852,	
Michigan.	David Preston.	June 21, 1852,	
New York,	Henry C. Banks,		New York city.
California.	William Rabe.	July 1, 1852,	
Georgia,	Edward G. Wilson,	July 3, 1852,	
Kentucky,	John B. Aikin.	July 23, 1852,	

ERRATUM.

Page 48, chapter 55, line 10th, after the word "including," insert the word "of."

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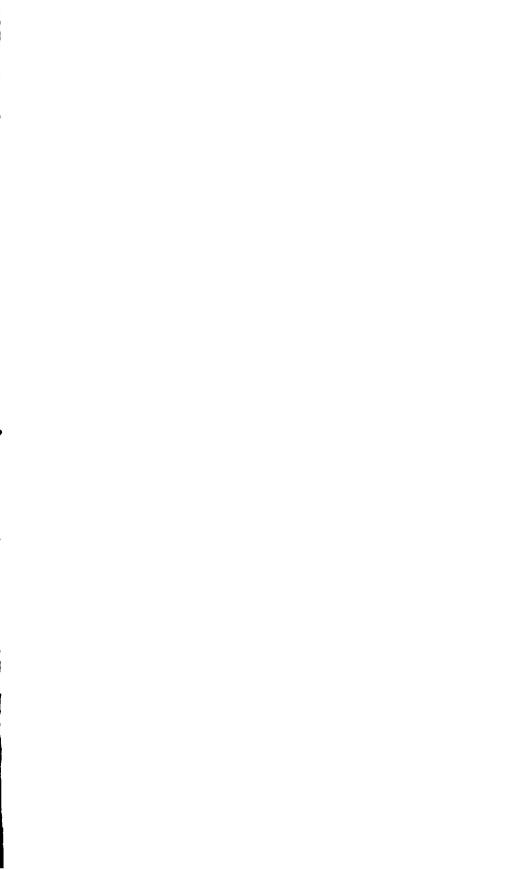
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